

EXHIBIT A

1
2 UNITED STATES BANKRUPTCY COURT
3 DISTRICT OF CONNECTICUT
4 BRIDGEPORT DIVISION
-----x

5 IN RE:

Chapter 11

6 HO WAN KWOK,

Case No: 22-50073 (JAM)

7 Debtor.
-----x

10 VIDEOTAPED DEPOSITION OF [REDACTED]
11

12 Seven Times Square
13 New York, New York

14 November 11, 2022

15 9:23 a.m.

18 * HIGHLY CONFIDENTIAL *

20 This transcript portions contains information subject
21 to a Protective Order and shall be used only in
22 accordance therewith.

24 Reported By:
25 Cheryll Kerr, CSR
25 Job No. 219537

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2	UNITED STATES BANKRUPTCY COURT	2 APPEARANCES:	
3	DISTRICT OF CONNECTICUT	3 COUNSEL FOR DEBTOR AND THE WITNESS:	
4	BRIDGEPORT DIVISION	4 ZEISLER & ZEISLER, P.C.	
	-----x	BY: ERIC HENZY, ESQ.	
5	IN RE: Chapter 11	5 10 Middle Street	
6	HO WAN KWOK, Case No: 22-50073 (JAM)	6 Bridgeport, CT 06604	
7	Debtor.	7	
	-----x	8 COUNSEL FOR CHAPTER 11 TRUSTEE:	
8		9 PAUL HASTINGS, LLP	
9		BY: AVRAM LUFT, ESQ.	
10		10 BY: NICHOLAS BASSETT, ESQ.	
11	VIDEOTAPED DEPOSITION OF [REDACTED] held at the	BY: LUC DESPINS, ESQ.	
12	offices of Brown Rudnick, LLP, located at Seven Times	11 BY: WENLONG ZHUGE, ESQ.	
13	Square, New York, New York, before Cheryll Kerr, CSR, a	12 200 Park Avenue	
14	Certified Shorthand Reporter and a Notary Public, on	13 New York, NY York 10166	
15	Friday, November 11, 2022, at 9:23 a.m.	14	
16		15 COUNSEL FOR PACIFIC ALLIANCE:	
17		16 O'MELVENY & MYERS, LLP	
18	* HIGHLY CONFIDENTIAL *	17 BY: STUART SARNOFF, ESQ.	
19		18 Seven Times Square	
20		19 New York, NY 10036	
21		20 Also Present:	
22		21 Jingyi Wang, Chinese interpreter; [REDACTED];	
23		22 Edwin Arlequin, videographer	
24		23 *** * *** ***	
25		24	
		25	
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<p>1 [REDACTED] - Highly Confidential</p> <p>2 THE VIDEOGRAPHER: Good morning. This is</p> <p>3 the start of media labeled No. 1 of the video</p> <p>4 recorded deposition of [REDACTED] in the</p> <p>5 matter In Re: Ho Wan Kwok.</p> <p>6 This deposition is being held at Brown</p> <p>7 Rudnick, LLP, Seven Times Square, Floor 47,</p> <p>8 New York, New York, on November 11, 2022 at</p> <p>9 approximately 9:23 a.m.</p> <p>10 My name is Edwin Arlequin. I am the</p> <p>11 legal video specialist from TSG Reporting,</p> <p>12 Inc., headquartered at 228 East 45th Street,</p> <p>13 Suite 810, New York, New York 10017.</p> <p>14 The court reporter is Cheryll Kerr, in</p> <p>15 association with TSG Reporting. Counsel,</p> <p>16 please introduce yourselves.</p> <p>17 MR. LUFT: Avi Luft, of Paul Hastings, on</p> <p>18 behalf of the Chapter 11 trustee in In Re: Ho</p> <p>19 Wan Kwok.</p> <p>20 MR. BASSETT: Nick Bassett, from Paul</p> <p>21 Hastings, also on behalf of the Chapter 11</p> <p>22 trustee.</p> <p>23 MR. ZHUGE: Wenlong Zhuge, Paul Hastings,</p> <p>24 also on behalf of the Chapter 11 trustee.</p> <p>25 MR. DESPINS: Luc Despins, Chapter 11</p>	<p>Page 6</p> <p>1 [REDACTED] Highly Confidential</p> <p>2 trustee.</p> <p>3 MR. HENZY: Eric Henzy, Zeisler &</p> <p>4 Zeisler. I'm at this deposition on behalf of</p> <p>5 [REDACTED]</p> <p>6 THE VIDEOGRAPHER: Will the court</p> <p>7 reporter please swear in the witness?</p> <p>8 MR. HENZY: Can first may I make a</p> <p>9 statement on the record?</p> <p>10 Pursuant to paragraph 15 of the</p> <p>11 protective order entered in this case, I am</p> <p>12 designating this deposition transcript and all</p> <p>13 exhibits as designated material and, given the</p> <p>14 timeline, as highly confidential.</p> <p>15 MR. LUFT: Sorry. We do not concede that</p> <p>16 this material will be highly confidential or</p> <p>17 properly designated.</p> <p>18 After the deposition, an assessment can</p> <p>19 be made based on what is actually testified</p> <p>20 to.</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 called as a witness, having been duly</p> <p>24 sworn, was examined and testified</p> <p>25 as follows:</p>
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<p>1 [REDACTED] - Highly Confidential</p> <p>2 THE SHORTHAND REPORTER: Thank you.</p> <p>3 Please proceed, Counsel.</p> <p>4</p> <p>5 DIRECT EXAMINATION</p> <p>6 BY MR. LUFT:</p> <p>7</p> <p>8 Q. Good morning, [REDACTED] How are you?</p> <p>9 A. Good morning. Fine, thank you.</p> <p>10 Q. My name is Avi Luft. I am an attorney for</p> <p>11 the Chapter 11 trustee. Have you ever been deposed</p> <p>12 before?</p> <p>13 A. No.</p> <p>14 Q. Okay, so the first thing I'm going to</p> <p>15 mention, just so you know, is you just shook your head,</p> <p>16 and the court reporter needs all answers to be audible.</p> <p>17 A. Uh-huh.</p> <p>18 Q. So even if I can see you, she may ask you or</p> <p>19 I may ask you to repeat and answer if there's not an</p> <p>20 audible answer.</p> <p>21 Is that okay?</p> <p>22 A. Okay.</p> <p>23 Q. So why don't we go over some limit flares</p> <p>24 about how a deposition works?</p> <p>25 A. Okay.</p>	<p>Page 8</p> <p>1 [REDACTED] - Highly Confidential</p> <p>2 Q. I am going to ask you a question.</p> <p>3 A. Uh-huh.</p> <p>4 Q. If for any reason you don't understand the</p> <p>5 question I've asked, please let me know if it's unclear.</p> <p>6 Is that okay?</p> <p>7 A. Okay.</p> <p>8 Q. If you don't tell me something's unclear, I</p> <p>9 will assume that you understand my question. Is that</p> <p>10 okay?</p> <p>11 A. Okay.</p> <p>12 Q. Periodically, Mr. Henzy may decide he has an</p> <p>13 objection to one of my questions. He may interpose an</p> <p>14 objection.</p> <p>15 That's fine. Okay?</p> <p>16 A. Okay.</p> <p>17 Q. Unless Mr. Henzy instructs you not to answer</p> <p>18 my question, despite the fact he may have made an</p> <p>19 objection, you may proceed to answer my question.</p> <p>20 A. Yes.</p> <p>21 Q. Is that okay?</p> <p>22 A. Okay.</p> <p>23 Q. Have you attended depositions before?</p> <p>24 A. Yes.</p> <p>25 Q. So you have some familiarity, and I apologize</p>
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<p>1 [REDACTED] - Highly Confidential 2 if this is redundant. 3 A. It's fine. 4 Q. Okay. If for some reason today you need to 5 take a break, I'd ask that you let me know, and if it's 6 a convenient time, we will do so. 7 A. Okay. 8 Q. If not, I'll try to get one to you as quickly 9 as I can. 10 A. Is that okay? 11 A. Okay. 12 Q. The one thing I ask is that if I have a 13 question pending to you, that you answer the question 14 before we take any break. 15 A. Yes. 16 Q. Okay? 17 A. Okay. 18 Q. Great. 19 I will also do my best not to talk over you or at 20 the same time you're talking, and I'll ask you to do the 21 same, because it's very hard for the court reporter. Is 22 that okay? 23 A. Okay. 24 Q. Okay. 25 MR. HENZY: The last thing is we do want</p>	<p>Page 10</p> <p>1 [REDACTED] - Highly Confidential 2 to review. 3 THE SHORTHAND REPORTER: Okay. 4 MR. HENZY: Thank you. 5 MR. LUFT: Great. 6 BY MR. LUFT: 7 Q. Is there any reason you can't give truthful 8 testimony today? 9 A. No. 10 Q. Terrific. And you understand that you're 11 under oath? 12 A. Yes. 13 Q. Could you just state your name for the 14 record? 15 A. [REDACTED] 16 Q. And your address? 17 A. [REDACTED] 18 Q. [REDACTED] are you represented by counsel 19 today? 20 A. Yes. 21 Q. Who is that? 22 A. Mr. Eric Henzy. 23 (Pause.) 24 BY MR. LUFT: 25 Q. Okay. Do you know if Mr. Henzy represents</p>
<p>1 [REDACTED] - Highly Confidential 2 anyone else in this matter? 3 A. I am not entirely sure. 4 Q. Are you paying for Mr. Henzy's service today? 5 A. No. 6 Q. Who is paying for Mr. Henzy's service? 7 A. I have no idea. 8 (Thereupon, an informal discussion was 9 held off the record with the shorthand 10 reporter.) 11 THE WITNESS: I said I really have no 12 idea. 13 BY MR. LUFT: 14 Q. How did Mr. Henzy come to represent you? 15 A. I was -- 16 MR. HENZY: I'm going to, actually, 17 object. That -- 18 Objection, based on privilege, so you 19 don't need to answer the question. 20 THE WITNESS: Okay. 21 MR. LUFT: I'm sorry. 22 So you're instructing -- are you 23 instructing [REDACTED] not to answer? 24 MR. HENZY: I'm instructing [REDACTED] not to 25 answer.</p>	<p>Page 12</p> <p>1 [REDACTED] - Highly Confidential 2 MR. LUFT: What is the privilege? 3 MR. HENZY: It -- how [REDACTED] became -- came 4 to be represented by me was based on 5 conversations I had with [REDACTED], so -- 6 MR. LUFT: But they are not legal advice, 7 right? 8 BY MR. LUFT: 9 Q. I just want to know how you came to the 10 decision -- 11 MR. HENZY: A client's decision to be 12 represented or not represented involves legal 13 advice. 14 MR. LUFT: Okay. 15 MR. HENZY: Okay. 16 BY MR. LUFT: 17 Q. When was the first time you spoke to 18 Mr. Henzy? 19 MR. LUFT: I don't -- 20 By the way, my "okay" was not agreement 21 with you. I'm just moving on. 22 MR. HENZY: Okay. 23 BY MR. LUFT: 24 Q. When did you first speak to Mr. Henzy? 25 (Pause.)</p>

	Page 14		Page 15
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	THE WITNESS: I'm not exactly sure about	2	BY MR. LUFT:
3	the date.	3	Q. How did you first contact Mr. Henzy? By what
4	(Pause.)	4	means?
5	THE WITNESS: You know, I actually cannot	5	A. I did not contact Mr. Henzy.
6	be sure.	6	Q. Okay. Did Mr. Henzy contact you?
7	BY MR. LUFT:	7	MR. HENZY: So objection on privilege.
8	Q. What's your best recollection of when you	8	MR. LUFT: It's a "yes" or "no" question.
9	first spoke to Mr. Henzy?	9	MR. HENZY: You can argue, Avi.
10	A. I cannot be sure whether it is within this	10	I get it, but I'll instruct the witness
11	week or last week.	11	not to answer.
12	Q. Did you reach out to Mr. Henzy for	12	MR. LUFT: But I don't want to have a
13	representation initially?	13	deposition where I have -- it's an improper
14	MR. HENZY: Objection.	14	objection.
15	Same objection. Attorney-client	15	MR. HENZY: Okay. That's fine.
16	privilege. How █████ came to be represented?	16	BY MR. LUFT:
17	THE WITNESS: No.	17	Q. Did Mr. Henzy contact you?
18	MR. HENZY: You can -- you can -- you can	18	MR. HENZY: Okay.
19	claim it with the judge.	19	And objection. I'm going to instruct you
20	BY MR. LUFT:	20	not to answer.
21	Q. All I'm asking is: Did you call Mr. Henzy or	21	BY MR. LUFT:
22	did Mr. Henzy call you initially?	22	Q. Do you --
23	A. No --	23	Are you going to follow your counsel's instruction?
24	MR. HENZY: You can answer.	24	A. I think I should.
25	THE WITNESS: No telephone calls.	25	MR. HENZY: Are -- are you going to ask
	Page 16		Page 17
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	████ not to follow her counsel's instruction?	2	████████ Henzy's firm.
3	Are you going to give her advice?	3	BY MR. LUFT:
4	MR. LUFT: No, Eric. The way it works is	4	Q. Who from Mr. Henzy's firm contacted you?
5	if you give █████ an instruction, I have to ask	5	MR. HENZY: Objection. I -- same
6	██████ if █████ going to follow it.	6	objection.
7	MR. HENZY: And █████ said -- and █████	7	MR. LUFT: I'm just asking for a name.
8	answered --	8	MR. HENZY: Understand. Understand.
9	(Thereupon, an informal discussion was	9	Objection, privilege. I'm going to
10	held off the record with the shorthand	10	instruct █████ not to answer.
11	reporter.)	11	BY MR. LUFT:
12	MR. HENZY: Okay.	12	Q. Are you going to follow your counsel's
13	MR. LUFT: I didn't give █████ any advice.	13	instruction?
14	Please don't mischaracterize what I said.	14	A. Yes.
15	MR. HENZY: Okay.	15	Q. Was it someone from Mr. Henzy's firm who
16	BY MR. LUFT:	16	initially contacted you or someone else?
17	Q. So I'll ask you again:	17	A. Mr. Henzy's firm.
18	Are you going to follow your counsel's instruction	18	Q. Was it a lawyer at Mr. Henzy's firm?
19	not to answer?	19	A. I think so. I'm not sure.
20	A. Yes.	20	(Pause.)
21	Q. Okay. Did Mr. Henzy contact you by phone?	21	BY MR. LUFT:
22	A. No.	22	Q. Did they offer to represent you?
23	Q. Did he contact you by email?	23	MR. HENZY: Objection, attorney-client
24	(Pause.)	24	privilege. I'm instructing you not to answer.
25	THE WITNESS: I was contacted by Mr.	25	

<p>1 [REDACTED] - Highly Confidential 2 (Indistinguishable crosstalk.) 3 MR. LUFT: I'm speaking before you have 4 any relationship with the witness. I'm just 5 asking if you approached [REDACTED] and offered to 6 represent [REDACTED]. That's not giving [REDACTED] advice. 7 MR. HENZY: I've objected and instructed 8 [REDACTED] not to answer. 9 BY MR. LUFT: 10 Q. Are you going to follow your counsel's 11 instruction? 12 A. Yes. 13 Q. Did Mr. Henzy's firm tell you who would pay 14 for his services? 15 A. No. 16 Q. Do you know if you are responsible for paying 17 for his services today? 18 A. I don't know if I'm responsible. I'm not 19 going to pay. 20 Q. Did you tell Mr. Henzy? 21 A. Yes. 22 Q. Okay. 23 A. I don't think I should pay. 24 (Pause.) 25</p>	<p>Page 18</p> <p>1 [REDACTED] - Highly Confidential 2 BY MR. LUFT: 3 Q. Do you have any idea who is paying for 4 Mr. Henzy's services today? 5 MR. HENZY: Objection, asked and 6 answered. 7 THE WITNESS: No. 8 BY MR. LUFT: 9 Q. Do you know if Mr. Henzy's client, Miles 10 Kwok, is paying for his services today? 11 A. I don't know. 12 Q. Do you know if a member of Mr. Kwok's family 13 is paying for Mr. Henzy's services today? 14 A. I don't know. 15 (Pause.) 16 BY MR. LUFT: 17 Q. How did you first come to be involved in this 18 issue? 19 MR. HENZY: Objection. 20 THE WITNESS: What issue? 21 MR. HENZY: Vague, ambiguous. 22 MR. LUFT: That's fine. 23 BY MR. LUFT: 24 Q. Is it your intention to give testimony at the 25 contempt hearing next week?</p>
<p>1 [REDACTED] - Highly Confidential 2 A. I don't know. 3 MR. HENZY: Objection. Objection. 4 Vague, ambiguous, but -- 5 THE WITNESS: I don't know. 6 MR. HENZY: Is it [REDACTED] intention? 7 I'm not -- I'm not -- I don't -- I'm not 8 trying to make speaking objections, Avi. I'm 9 not, but I think it's vague. 10 BY MR. LUFT: 11 Q. Do you know what the word "intention" means? 12 A. I know the word "intention." 13 Q. Okay. 14 A. But I can answer your question -- 15 Q. Please. 16 A. -- for the question you just asked. I didn't 17 know there was a hearing. 18 Q. Okay. Has anyone spoken to you about giving 19 testimony before the court? 20 A. About? 21 Q. In connection with the contempt motion that 22 we are here about today. 23 A. No. 24 Q. No? Okay. 25 MR. LUFT: I'm going to mark as Exhibit 1</p>	<p>Page 20</p> <p>1 [REDACTED] - Highly Confidential 2 a copy of Debtor's Objection to Motion of 3 Chapter 11 Trustee for Entry of Order Holding 4 Debtor in Civil Contempt for Failure to Comply 5 with Corporate Governance Rights Order. 6 (Thereupon, a document was marked by the 7 shorthand reporter as [REDACTED] Exhibit 1 for 8 identification.) 9 (An informal discussion was held off the 10 record.) 11 MR. HENZY: One second, Avi. I don't 12 think there's any question. 13 MR. LUFT: Do you want to go off the 14 record? 15 MR. HENZY: I want to go off the record. 16 MR. LUFT: I'm good. 17 Just let me lay this foundation, and we 18 can go. We can take a break. I just want to 19 ask [REDACTED] a quick question, just to finish my 20 thought. 21 MR. HENZY: Okay. There's no question 22 pending, and I want to talk to my client. 23 There's no question pending. 24 MR. LUFT: Well, there is. I put an exhibit in front of [REDACTED] I'm about to ask the</p>

	Page 22		Page 23
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	question. I'm in the middle of a question.	2	answer, if you can.
3	MR. HENZY: Go ahead.	3	THE WITNESS: It might be. I'm not 100
4	(Pause.)	4	percent sure.
5	BY MR. LUFT:	5	BY MR. LUFT:
6	Q. Okay. █████ I'm going to ask you to	6	Q. Okay. Are you planning to offer testimony at
7	turn to page 11 of the Debtor's Objection to Motion of	7	the hearing on this contempt motion as to the "many
8	Chapter 11 Trustee for Entry of Order Holding Debtor in	8	material deficiencies" in the official translation of
9	Civil Contempt for Failure to Comply with Corporate	9	the 341 meeting?
10	Governance Rights Order, which is marked as Exhibit 1.	10	A. As far as I know, that I'm only here to be
11	Do you see the first full sentence on the top of	11	deposed today.
12	page 11 says:	12	Q. No one has spoken to you about offering any
13	"At any hearing on the motion, debtor will put on	13	other testimony at the hearing?
14	testimony from an interpreter as to the many material	14	A. No, I don't think so.
15	deficiencies in the official translation of the 341	15	Q. Okay. Do you know --
16	meeting"?	16	A. Hang --
17	Do you see that?	17	Q. -- what --
18	A. Yes.	18	A. Hang on. I don't think so, but maybe my
19	Q. Are you the interpreter referenced in this	19	memory is at fault.
20	paragraph?	20	Q. Well, the hearing's Tuesday.
21	(Pause.)	21	A. Yeah.
22	MR. HENZY: Objection.	22	Q. Has anyone asked you to give testimony -- be
23	THE WITNESS: I --	23	in Connecticut to give testimony in court on Tuesday?
24	MR. HENZY: Well, objection.	24	A. I can't remember. I don't think so, but --
25	It's vague and ambiguous, but you can	25	you know. Like I said, maybe my memory is at fault.
	Page 24		Page 25
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	Q. Do you have other plans on Tuesday?	2	Q. Okay.
3	A. I'm going to be the interpreter. I don't	3	A. That is -- that I was not testifying.
4	know whether I'll be asked to give testimony.	4	Q. Sorry. I don't -- I didn't mean it to be a
5	Q. You don't recall if anyone's asked you to do	5	negative. Sorry.
6	that?	6	I'm just asking if you are going to testify on
7	A. I can't exactly remember.	7	behalf of Mr. Kwok on Tuesday.
8	MR. LUFT: Okay. Why don't we take --	8	A. Yes.
9	give you your break right now?	9	Q. Very good. Good. Now we're on the same
10	MR. HENZY: Okay.	10	page.
11	MR. LUFT: We can go off the record.	11	MR. HENZY: █████ got the -- █████ got it. I
12	THE VIDEOGRAPHER: The time is 9:39 a.m.	12	didn't, but it's good. We're okay.
13	We're going off the record.	13	BY MR. LUFT:
14	(Recess taken at 9:40 a.m.)	14	Q. █████ I'm going to ask you to look
15	(Resumed at 9:45 a.m.)	15	back at Exhibit 1, same page, page 11.
16	THE VIDEOGRAPHER: The time is 9:45 a.m.	16	A. Uh-huh.
17	We're back on the record.	17	Q. When did you first tell counsel for Mr. Kwok
18	BY MR. LUFT:	18	that there are many material deficiencies in the
19	Q. █████ I understand you've had a	19	translation of the 341 meeting?
20	chance to speak with your counsel.	20	(Pause.)
21	A. Yes.	21	THE WITNESS: Do you mind if I ask you to
22	Q. Is it your understanding that you will not be	22	clarify one thing for me?
23	testifying at the hearing on Tuesday on behalf of	23	BY MR. LUFT:
24	Mr. Kwok?	24	Q. Of course.
25	A. No, that is not my understanding.	25	A. This is asking about -- you're asking me when

Page 26		Page 27	
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	I was -- when I first time told Mr. Kwok about the	2	(Pause.)
3	deficiencies on the material of the translation --	3	THE WITNESS: I cannot be exact on the
4	Q. Sorry, █████ Let me try it again.	4	time or the date.
5	A. Okay.	5	BY MR. LUFT:
6	Q. Okay, so the first sentence of the debtor's	6	Q. What's your best recollection?
7	pleading on page 11 is "At any hearing on the motion,	7	(Pause.)
8	the debtor will put on testimony from an interpreter as	8	THE WITNESS: I really cannot remember.
9	to the many material deficiencies in the official	9	I'm sorry.
10	translation of the 341 meeting."	10	BY MR. LUFT:
11	My understand is that you are that interpreter. Is	11	Q. Was it within the past week?
12	that your understanding?	12	A. The first time, probably not.
13	A. Yes.	13	Q. Was it before someone from Mr. Henzy's firm
14	Q. Okay. My question is:	14	contact you about representing you?
15	When did you first tell counsel for the debtor that	15	A. Prior to that.
16	there were many material deficiencies in the official	16	(Pause.)
17	translation of the 341 meeting?	17	BY MR. LUFT:
18	A. At that 341 meeting.	18	Q. How did you let Mr. Kwok's counsel at the --
19	Q. Okay. You told counsel for the debtor at the	19	at the time of the 341 hearing know that there were many
20	time that there were many material deficiencies?	20	material deficiencies in the translation?
21	A. Yes.	21	A. In the first place, I was raising dispute to
22	Q. Okay. When did you first tell debtor's	22	the interpreting at the time when the official
23	current counsel that there were many material	23	interpreter was interpreting.
24	deficiencies in the official translation of the 341	24	Q. Okay. So when you heard a material
25	meeting?	25	deficiency, you let the official translator know?
Page 28		Page 29	
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	A. Everyone -- you know, just everyone in the	2	BY MR. LUFT:
3	room would know, yes.	3	Q. Okay.
4	Q. Okay. I'll make it broader.	4	A. Right.
5	A. Yes.	5	Q. So you either made a statement --
6	Q. When you heard a material deficiency in the	6	A. Uh-huh.
7	translation of the 341, you let everyone at the 341	7	Q. -- at the hearing --
8	meeting know, including --	8	A. Uh-huh.
9	A. Yeah.	9	Q. -- or you passed a note for Mr. Baldiga,
10	Q. -- the official translator?	10	counsel for Mr. Kwok at the time, to make a comment?
11	A. Yes.	11	A. Yes --
12	Q. Okay. Is there any other way --	12	Q. Okay.
13	MR. LUFT: Let me strike that.	13	A. -- hoping he would.
14	BY MR. LUFT:	14	Q. And at the times where I can see your
15	Q. Were there material deficiencies in the	15	"private interpreter" reference in the transcript --
16	transcript that you heard that you said nothing about?	16	A. Right.
17	(Pause.)	17	Q. -- those were the times when you were making
18	THE WITNESS: I don't think so. However,	18	statements?
19	"material" is for me -- probably is different	19	A. Right.
20	from what you think material, but for me ...	20	Q. Okay. Then the periods where I don't see you
21	There were a number of things happening	21	making statements, it's possible you were passing
22	at that meeting, and at some point, I switched	22	notes --
23	to telling out loud about the -- my dispute to	23	A. Right.
24	handing a note to the counsel about my	24	Q. -- to Mr. Baldiga?
25	dispute.	25	A. Right.

1 [REDACTED] - Highly Confidential
 2 Q. And when did that switch happen?
 3 (Pause.)
 4 THE WITNESS: I think, at one point, a
 5 comment was made that there were too many
 6 interruptions --
 7 BY MR. LUFT:
 8 Q. Uh-huh.
 9 A. -- as my purpose in court was to check, not
 10 to disrupt or interrupt, then I thought perhaps that I
 11 should be a bit more discrete about my disputes, so I
 12 switched to handing notes.
 13 But exactly at what -- what point or triggered by
 14 what exact action, I don't remember.
 15 Q. Okay. Just so I'm clear about it --
 16 A. Uh-huh.
 17 Q. -- there was a point where you made the
 18 decision to switch --
 19 A. Uh-huh.
 20 Q. -- from making statements --
 21 A. Yes.
 22 Q. -- to passing notes?
 23 A. Yes.
 24 Q. But you just don't remember what that point
 25 was?

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1 [REDACTED] - Highly Confidential
 2 A. Yes.
 3 Q. Okay, so it wasn't --
 4 It's not the case that you were going back and
 5 forth?
 6 You just made a decision at one point, and then
 7 once that happened, you switched to the notes?
 8 A. I switched to notes for the majority -- for
 9 the majority of times.
 10 But when there was something that I really cannot
 11 hold onto --
 12 Q. -- uh-huh.
 13 A. -- and I really feel like there was something
 14 that I need to say, perhaps really critical, I would --
 15 and like I -- like what is described here, perhaps is
 16 material, then I probably would just raise it out loud.
 17 Q. Okay. That's helpful.
 18 Okay. What did you do to prepare for this
 19 deposition?
 20 A. I spoke with my counsel.
 21 Q. When did you meet with your counsel?
 22 A. We did not meet.
 23 Q. When did you speak to your counsel?
 24 A. Yesterday.
 25 Q. How long did you speak to him?

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1 [REDACTED] - Highly Confidential
 2 MR. HENZY: Objection, privilege.
 3 MR. LUFT: How long you met is not
 4 privileged.
 5 MR. HENZY: I'm going to instruct you not
 6 to answer.
 7 MR. LUFT: On what grounds?
 8 MR. HENZY: Attorney-client privilege.
 9 MR. LUFT: How long you met is
 10 privileged?
 11 MR. HENZY: Could be, yeah, absolutely.
 12 Yep. What -- I have no idea why you want to
 13 know that.
 14 But I'm claiming the privilege, Avi, and
 15 I'm instructing the witness not to answer, and
 16 you can --
 17 MR. LUFT: Okay.
 18 MR. HENZY: You can pursue whatever you
 19 need to pursue.
 20 MR. LUFT: Okay. I'll make a statement
 21 that I think these privilege objections,
 22 especially this one, are completely proper --
 23 MR. HENZY: Okay.
 24 MR. LUFT: -- and just obstructing the
 25 deposition.

1 [REDACTED] - Highly Confidential
 2 BY MR. LUFT:
 3 Q. [REDACTED] are you going to follow your
 4 counsel's advice not to answer?
 5 A. Yes. Counsel, do you mind if I add one more
 6 thing from my previous answer?
 7 Q. Sure.
 8 MR. HENZY: Do --
 9 THE WITNESS: I'm sorry.
 10 MR. LUFT: That's okay.
 11 MR. HENZY: Which answer?
 12 I don't think on that answer. I think on
 13 the question you asked before.
 14 MR. LUFT: I'm fine with [REDACTED] answering
 15 whatever [REDACTED] wants to.
 16 MR. HENZY: That's fine.
 17 THE WITNESS: When I said that -- you
 18 asked me about switching from notes to verbal
 19 dispute, and I said that when I really --
 20 there was something that I cannot hold onto,
 21 if it's something material, I would probably
 22 say it out loud.
 23 But that is not to say that I won't
 24 sometimes maybe find a situation for
 25 appropriate for me to hand a note to

1 [REDACTED] - Highly Confidential Page 34
 2 Mr. Baldiga that could be material as well --
 3 BY MR. LUFT:
 4 Q. Okay.
 5 A. -- maybe I did not raise it out loud.
 6 Q. Was there ever an instance where you thought
 7 there was a material deficiency in the translation where
 8 you didn't tell Mr. Baldiga or say something?
 9 A. I don't think so, but --
 10 That day was a little bit confusing, chaotic at
 11 times, so I cannot be sure, but I don't think so.
 12 Q. Do you recall times where you asked
 13 Mr. Baldiga to make an objection and he refused?
 14 A. It was not my position to ask anyone to make
 15 an objection. I handed him the note. He's the counsel
 16 He could decide when and where -- when and -- when
 17 to make that objection or whether he's going to make an
 18 objection. I handed him the note -- you know.
 19 Q. Do you recall any times when you handed
 20 Mr. Baldiga a note that something was mistranslated and
 21 he didn't make an objection on the record about it?
 22 (Pause.)
 23 THE WITNESS: I can't quite remember
 24 exactly, and as I was saying, that day -- at
 25 some point, it was a bit chaotic, so

1 [REDACTED] - Highly Confidential Page 36
 2 of things said in between and -- and still there was
 3 some interpretation made, so -- you know, that -- that
 4 was the chaotic moment, I thought.
 5 Q. Was that at the March 21st hearing or the
 6 April 6th 341 hearing?
 7 A. I don't remember the date.
 8 Q. Okay. Was it at the first hearing or the
 9 second hearing?
 10 A. I actually don't remember which time either,
 11 but I just remember there was a meeting and there was
 12 some such moment.
 13 Q. Do you remember anything else about what was
 14 said about this chaotic moment that you remember?
 15 (Pause.)
 16 THE WITNESS: Specifically the words ...
 17 you're asking -- sorry. Can you ask that
 18 question again?
 19 BY MR. LUFT:
 20 Q. Sure. You mentioned that one --
 21 I asked you what you can recall and you mentioned
 22 one of the things that you -- that you don't have a
 23 clear recollection of everything --
 24 A. Yes, yes.
 25 Q. -- but that one of the things you remember is

1 [REDACTED] - Highly Confidential Page 35
 2 A number of things happened at one time,
 3 so it's hard to say. You know, I can't
 4 exactly remember.
 5 BY MR. LUFT:
 6 Q. How clear is your recollection of the 341
 7 meetings?
 8 A. Not -- I don't remember everything, but I
 9 remember some significant moment.
 10 Q. What was that significant moment?
 11 A. Significant moments would be a certain point
 12 that was -- like I said, there was -- there was a
 13 chaotic moment. I remember that, but I don't remember
 14 everything said.
 15 I remember there was such a moment, and I remember
 16 certain disputes that I raised. I don't remember every
 17 dispute I raised, but I remember some -- some such
 18 moments.
 19 Q. Can you tell me your best recollection of the
 20 chaotic moment you described?
 21 A. The chaotic moment was that the official
 22 interpreter made an error in his interpreting and it was
 23 so apparent that even Ms. Claiborne noticed that, and --
 24 But during that -- the interpretation and
 25 Ms. Claiborne's raising the issue, there were a number

1 [REDACTED] - Highly Confidential Page 37
 2 a chaotic moment?
 3 A. Yes.
 4 Q. Okay. You don't recall which date it was
 5 on --
 6 A. Right.
 7 Q. -- so I'm asking other than there -- I
 8 believe you told me that there was some error --
 9 A. Uh-huh.
 10 Q. -- that Ms. Claiborne was able to pick up on?
 11 A. Yes.
 12 Q. Do you recall anything else specifically
 13 about that moment that you're describing?
 14 A. Yes. I remember Ms. Claiborne was able to
 15 pick up because it's -- the name the interpreter was
 16 using in English so he interpreted the name wrong, so he
 17 interpret --
 18 The question was asked about a company name in
 19 English and interpreted back to Mr. Kwok in Chinese, but
 20 using a different English name. So that is why
 21 Ms. Claiborne was able to pick up the interpreting was
 22 wrong and I remember that -- you know.
 23 Q. Anything else you recall?
 24 A. Say that again?
 25 Q. Anything else you recall about that chaotic

1 [REDACTED] - Highly Confidential Page 38
 2 moment?
 3 A. Yes. Like I said, there were a number of
 4 back and forth in interpreting and Mr. Baldiga's asking
 5 questions, and I'm not sure whether I said something.
 6 I probably did not, because I saw that
 7 Ms. Claiborne was picking up, but there were a number of
 8 things going in between. I just cannot remember
 9 specific -- specifically the words.
 10 Q. Terrific.
 11 [REDACTED] I should -- I should have mentioned
 12 this at the beginning of the deposition. If I ask you
 13 what you recall --
 14 A. Uh-huh.
 15 Q. -- I just want you to tell me what you
 16 actually recall. I'm not asking you to speculate --
 17 A. Uh-huh.
 18 Q. -- as to what you think it would be unless I
 19 ask you something or I specifically do that.
 20 A. Okay.
 21 Q. Do you remember the name of the English
 22 company or the -- sorry -- the name of the company that
 23 was said in English?
 24 (Pause.)
 25 THE WITNESS: There were two names used.

1 [REDACTED] - Highly Confidential Page 39
 2 Like I said, the interpreter -- the
 3 question was asked using one name and the
 4 interpreter was interpreting in another name.
 5 Now, I cannot remember which is which.
 6 BY MR. LUFT:
 7 Q. Okay. Can you just tell me the two names
 8 that were used?
 9 A. Okay. I think one was Ace Decade, and then
 10 the other one ... I think it was Dawn State. I cannot
 11 be sure.
 12 (Thereupon, an informal discussion was
 13 held off the record with the shorthand
 14 reporter.)
 15 THE WITNESS: And I cannot remember
 16 whether the question was raised with which
 17 name and whether the interpreter's
 18 interpreting the other. I cannot remember
 19 the --
 20 BY MR. LUFT:
 21 Q. Okay.
 22 A. -- which one is which.
 23 Q. But you recall for this dispute that sticks
 24 out in your mind --
 25 A. Yes.

1 [REDACTED] - Highly Confidential Page 40
 2 Q. -- the names that were at issue were Ace
 3 Decade and Dawn State?
 4 A. I think so.
 5 Q. So if I looked in the transcript, I should
 6 see a transcription of a dispute in which the names Ace
 7 Decade and Dawn State are used?
 8 A. I think so.
 9 Q. Okay. You said you -- the other things that
 10 you recall --
 11 A. Uh-huh.
 12 Q. -- from the 341 hearings are some "disputes,"
 13 I believe was your word?
 14 A. There were a number of disputes, yes.
 15 Q. Okay. Could you tell me specifically what
 16 disputes you have an actual recollection of in the 341
 17 hearings?
 18 A. There were a number of them. I cannot
 19 remember all the disputes.
 20 As I said, there were some disputes that I raised
 21 out loud and there were some disputes I wrote down and
 22 handed notes to Ms. -- to the counsel.
 23 But one thing I remember, and it's because I
 24 usually took issues with -- it may not be a material to
 25 the case here, but as an interpreter that I took issue

1 [REDACTED] - Highly Confidential Page 41
 2 with other interpreter disregarding the interpreting
 3 etiquette of witness testimonies.
 4 So I -- at one point, I said something to the
 5 interpreter in court.
 6 Q. Do you remember what you said to him?
 7 A. Yes. I can't remember exactly what he
 8 interpreted, but then he put a word in. He assumed it
 9 was there, but it wasn't there.
 10 So I said to him that there was no such word in the
 11 witness word -- statement -- the statement the witness
 12 made. You assume it was there. So something I said
 13 that --
 14 I don't know whether it was reflected in the
 15 transcript. In fact, I can't remember whether I said it
 16 in English or Chinese, but I said something like that at
 17 one point.
 18 Q. Okay. Any other specific disputes that you
 19 have an actual recollection from the 341 hearings
 20 sitting here today?
 21 A. Not specifically.
 22 Q. Okay. Did you review any documents to
 23 prepare for this deposition?
 24 A. No.
 25 Q. Have you reviewed any material that has

1 [REDACTED] - Highly Confidential Page 42
 2 refreshed your recollection with regard to the 341
 3 hearings?
 4 A. No. I don't have those.
 5 Q. I have Exhibit 1 in front of you, the
 6 debtor's objection. Did you ever read that document --
 7 A. No.
 8 Q. -- prior to today?
 9 A. No.
 10 Q. Were you consulted with regard to information
 11 to include in that document?
 12 A. No.
 13 Q. Have you ever read a transcript of the 341
 14 hearing?
 15 A. Yes.
 16 Q. When did you read a transcript of the 341
 17 hearing?
 18 A. I did not read the entire transcript.
 19 I read a section of the transcript, but I cannot
 20 remember when.
 21 Q. What's your best recollection?
 22 (Pause.)
 23 THE WITNESS: One month ago, at least, I
 24 think.
 25

1 [REDACTED] - Highly Confidential Page 44
 2 and the transcript was also capturing that -- that time,
 3 but not everything that reflected in the audio.
 4 Q. I'm sorry. Can you clarify? The transcript
 5 was ...
 6 A. The transcript reflecting some of the verbals
 7 in the audio, but not everything. That's what I'm
 8 saying.
 9 Q. Okay. You say the transcript was -- was the
 10 portion of the transcript addressing the chaotic moment?
 11 Is that right?
 12 A. Yes, corresponding part of the audio and the
 13 transcript. I -- yes.
 14 Q. So this was a portion of the transcript and
 15 audio in which the translator is mis- -- mistranslating
 16 something, in your opinion, and you are telling him that
 17 he is doing it wrong?
 18 MR. HENZY: I'll object. I don't think
 19 that was [REDACTED] testimony.
 20 MR. LUFT: Well, that was my
 21 understanding of the what the chaotic moment
 22 was.
 23 THE WITNESS: No.
 24 MR. HENZY: Sorry. I think we're a
 25 little confused here.

1 [REDACTED] - Highly Confidential Page 43
 2 BY MR. LUFT:
 3 Q. How did you get a copy of the transcript?
 4 A. I didn't have a copy of the transcript.
 5 Q. How did you read the transcript, if you
 6 didn't have a copy of it?
 7 A. I was e-mailed a section of the transcript.
 8 Q. Who e-mailed you a section of the transcript?
 9 A. Counsel of -- Melissa Francis.
 10 Q. Is that the first time you ever received
 11 communication from Ms. Francis?
 12 A. No.
 13 Q. How often do you hear from Ms. Francis?
 14 A. Not often.
 15 Q. So tell me about this email from Ms. Francis.
 16 What did --
 17 A. Ms. Francis sent a section of the transcript
 18 to me and sent an audio to me and asked me to listen and
 19 then to check the transcript.
 20 Q. What was on the section of the transcript and
 21 the audio that Ms. Francis sent you?
 22 A. It was ... it was --
 23 The audio was capturing the moment -- the chaotic
 24 moment that I just described to you, and there was some
 25 prior lines and subsequent lines I don't quite remember,

1 [REDACTED] - Highly Confidential Page 44
 2 and the transcript was also capturing that -- that time,
 3 but not everything that reflected in the audio.
 4 Q. I'm sorry. Can you clarify? The transcript
 5 was ...
 6 A. The transcript reflecting some of the verbals
 7 in the audio, but not everything. That's what I'm
 8 saying.
 9 Q. Okay. You say the transcript was -- was the
 10 portion of the transcript addressing the chaotic moment?
 11 Is that right?
 12 A. Yes, corresponding part of the audio and the
 13 transcript. I -- yes.
 14 Q. So this was a portion of the transcript and
 15 audio in which the translator is mis- -- mistranslating
 16 something, in your opinion, and you are telling him that
 17 he is doing it wrong?
 18 MR. HENZY: I'll object. I don't think
 19 that was [REDACTED] testimony.
 20 MR. LUFT: Well, that was my
 21 understanding of the what the chaotic moment
 22 was.
 23 THE WITNESS: No.
 24 MR. HENZY: Sorry. I think we're a
 25 little confused here.

1 [REDACTED] - Highly Confidential Page 45
 2 BY MR. LUFT:
 3 Q. Okay. This is the same chaotic moment you
 4 described for me?
 5 A. Yes, but it wasn't moment I was telling the
 6 interpreter he was wrong. It was -- actually,
 7 Ms. Claiborne caught what was wrong, and like I said,
 8 between the interpretation --
 9 Between the interpreter's misinterpretation and Ms.
 10 Claiborne catching up with that mistake, there were a
 11 number of back and forth questioning and answering
 12 conversation happening which was not recorded in the
 13 transcript, and that's what I'm saying.
 14 At that point, in fact, I was not able to raise my
 15 dispute because there were so many back and forth going
 16 on, and also, at that point, Ms. Claiborne was also
 17 attaching up, so it wasn't the moment I raised dispute.
 18 Q. Can you describe for me what was included in
 19 this transcript?
 20 A. The -- what was include in the transcript was
 21 very ... abbreviate [sic], kind of --
 22 Because the -- because what's happening in the
 23 audio was that the interpreter has said -- has said
 24 things in Chinese and to Mr. Kwok and Mr. Kwok was
 25 answering in Chinese and -- but it not being interpreted

<p>1 [REDACTED] - Highly Confidential</p> <p>2 in English so the court reporter could not have recorded</p> <p>3 that, and between those conversations --</p> <p>4 And Ms. Claiborne caught -- Ms. Claiborne was aware</p> <p>5 that there was a mistake, because the names was</p> <p>6 interpreted wrong and -- and she is already saying --</p> <p>7 She's addressing that problem, and so there were a</p> <p>8 lot of aside things going on which were not captured in</p> <p>9 the transcript, and so that's all -- that's all I'm</p> <p>10 saying.</p> <p>11 Q. So the portion of transcript you saw has Ms.</p> <p>12 Claiborne catching and making a comment --</p> <p>13 A. Yes.</p> <p>14 Q. -- that the person is using the names of Ace</p> <p>15 Decade and Dawn State incorrectly?</p> <p>16 A. Yes.</p> <p>17 Q. Okay, so --</p> <p>18 A. That made the question wrong all together.</p> <p>19 Q. Okay. Can you tell me what else was said and</p> <p>20 how long was this portion of the transcript?</p> <p>21 (Pause.)</p> <p>22 THE WITNESS: It wasn't that long. I</p> <p>23 don't think that chaotic moment was that long,</p> <p>24 but there were many prior lines and subsequent</p> <p>25 lines of questioning derived from that at</p>	<p>Page 46</p> <p>1 [REDACTED] - Highly Confidential</p> <p>2 that -- at that meeting. It's hard for me to</p> <p>3 gauge exactly how long that was.</p> <p>4 BY MR. LUFT:</p> <p>5 Q. Okay. Which date of the 341 hearing was</p> <p>6 this?</p> <p>7 A. I can't remember.</p> <p>8 Q. Approximately -- I'm asking just about the</p> <p>9 transcript.</p> <p>10 A. Yes.</p> <p>11 Q. Was it like five lines that she sent you?</p> <p>12 Was it a page that she sent you? What's your best</p> <p>13 estimate?</p> <p>14 A. I think there were two pages, I think.</p> <p>15 Q. And what was -- what was on the --</p> <p>16 To the best of your recollection, can you describe</p> <p>17 what was on those two pages that you reviewed at</p> <p>18 Ms. Francis' request?</p> <p>19 A. I wasn't only doing that part. That part</p> <p>20 stuck out to me, and that was the major thing.</p> <p>21 Like I said, that was the main chaos, and there</p> <p>22 were lines before and after deriving from that chaotic</p> <p>23 moment, and the content of those, I -- I can't recall.</p> <p>24 Q. Other than having read what Ms. Francis sent</p> <p>25 you --</p>
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<p>1 [REDACTED] - Highly Confidential</p> <p>2 A. Uh-huh.</p> <p>3 Q. -- can you give me your best independent</p> <p>4 recollection of that moment?</p> <p>5 A. Apart from what I just said?</p> <p>6 Q. Apart from what you saw from listening to the</p> <p>7 audio and speaking to -- and reading the transcript,</p> <p>8 what is your -- what was your --</p> <p>9 First of all, let me ask you: Sitting here</p> <p>10 today --</p> <p>11 A. Yes.</p> <p>12 Q. -- other than what you read --</p> <p>13 A. Uh-huh.</p> <p>14 Q. -- that Ms. Francis sent you and the audio</p> <p>15 you listened to, can you please tell me your best</p> <p>16 recollection of what happened at that moment?</p> <p>17 (Pause.)</p> <p>18 THE WITNESS: But -- you know, my memory</p> <p>19 today was aided by that audio.</p> <p>20 BY MR. LUFT:</p> <p>21 Q. Okay, so you have a --</p> <p>22 You now have a clear memory of it because of the</p> <p>23 audio or your -- you listened to the audio?</p> <p>24 A. Right. I listened to the audio -- you know,</p> <p>25 when it was sent to me.</p>	<p>Page 48</p> <p>1 [REDACTED] - Highly Confidential</p> <p>2 So whatever memory I have today is aided by that --</p> <p>3 aided by that audio and that correspond with what I</p> <p>4 recall at that time.</p> <p>5 Q. Okay, so I just need to know what you recall</p> <p>6 from that time other than from that audio.</p> <p>7 MR. HENZY: I -- just objection, vague,</p> <p>8 ambiguous, but you can answer.</p> <p>9 THE WITNESS: Right. You mean just that</p> <p>10 moment or that day?</p> <p>11 BY MR. LUFT:</p> <p>12 Q. Just with regard to the -- the section of the</p> <p>13 transcript that Ms. Francis chose to send you.</p> <p>14 A. Okay.</p> <p>15 MR. HENZY: Can I just ask a question? I</p> <p>16 don't -- because I want to make sure -- I</p> <p>17 don't want [REDACTED] not to answer your question.</p> <p>18 You're asking [REDACTED] to separate [REDACTED] memory</p> <p>19 of the meeting, kind of almost block out what</p> <p>20 [REDACTED] heard on the audio --</p> <p>21 MR. LUFT: Well --</p> <p>22 MR. HENZY: -- which is kind of hard?</p> <p>23 MR. LUFT: Well, I think it's --</p> <p>24 (Indistinguishable crosstalk.)</p> <p>25 MR. HENZY: I am going to make an</p>
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<p>1 [REDACTED] - Highly Confidential</p> <p>2 objection just to -- you know.</p> <p>3 Vague, ambiguous. I just want to be</p> <p>4 clear what you're asking her to do.</p> <p>5 BY MR. LUFT:</p> <p>6 Q. Why don't we do this in parts? Prior to</p> <p>7 Ms. Francis --</p> <p>8 A. Uh-huh.</p> <p>9 Q. -- sending you the transcript and the audio,</p> <p>10 what was your -- can you give me your -- what was your</p> <p>11 best recollection of that portion --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- of the hearing that she sent you before --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- listening to the transcript and reading</p> <p>16 the portion of the transcript?</p> <p>17 A. Before I read and listened to the record, I</p> <p>18 only remembered there was a chaotic moment and there</p> <p>19 were disputes I raised, and -- you know, the issues with</p> <p>20 the interpreting, but I don't remember specifics.</p> <p>21 Q. After you read the portion of the</p> <p>22 transcript --</p> <p>23 A. Uh-huh.</p> <p>24 Q. -- and listened to the audio --</p> <p>25 A. Uh-huh.</p>	<p>Page 50</p> <p>1 [REDACTED] - Highly Confidential</p> <p>2 Q. -- did you then have a clear memory in your</p> <p>3 head apart from what you just read and heard of that</p> <p>4 moment or is it just that you read it and heard it and</p> <p>5 your recollection now is based on having listened to it</p> <p>6 and read it again?</p> <p>7 A. After I read and listened, it reminded me of</p> <p>8 what happened and more specifically what happened,</p> <p>9 exchanged in words.</p> <p>10 So it wasn't just based on that record. It did</p> <p>11 remind me what actually happened, yes.</p> <p>12 Q. I'm going to ask you now to please tell me</p> <p>13 what is now your recollection of that moment, not as</p> <p>14 refreshed --</p> <p>15 A. Uh-huh.</p> <p>16 Q. -- by the transcript --</p> <p>17 A. Uh-huh.</p> <p>18 Q. -- and the audio, but not repeating to me</p> <p>19 what you've read on the transcript --</p> <p>20 A. Right.</p> <p>21 Q. -- of the audio, if that makes sense.</p> <p>22 A. Right. I understand what you're saying.</p> <p>23 I -- if I don't based on that audio and things,</p> <p>24 today, I would -- I would remember that was this --</p> <p>25 there was this kerfuffle happening at the time, chaotic</p>
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<p>1 [REDACTED] - Highly Confidential</p> <p>2 moments.</p> <p>3 And I remember the exchange that was happening and</p> <p>4 the disputes, but probably not every specific word.</p> <p>5 Q. Other than what you've told me about the</p> <p>6 dispute --</p> <p>7 A. Uh-huh.</p> <p>8 Q. -- that there was an issue with regard to the</p> <p>9 name Ace Decade or Dawn State was used --</p> <p>10 A. Uh-huh.</p> <p>11 Q. -- do you recall anything specific about that</p> <p>12 moment?</p> <p>13 (Pause.)</p> <p>14 THE WITNESS: That moment wasn't just</p> <p>15 about Dawn State and Ace Decade. That was the</p> <p>16 moment that Ms. Claiborne picked up the error,</p> <p>17 but that was the moment continued from a</p> <p>18 series of mistakes, minor or major, so it's --</p> <p>19 That's what I recall, and -- and</p> <p>20 particularly what -- what happened was that</p> <p>21 the interpreter would use Chinese to ask the</p> <p>22 witness questions and then the witness would</p> <p>23 answer in Chinese and -- and because of that</p> <p>24 kind of exchange, it's --</p> <p>25 It's like the interpreter is asking</p>	<p>Page 52</p> <p>1 [REDACTED] - Highly Confidential</p> <p>2 question to the witness to -- maybe asking a</p> <p>3 clarifying question, and so therefore that he</p> <p>4 did not think that it should -- it needed to</p> <p>5 be translated or interpreted back into English</p> <p>6 for everyone else in the room to know.</p> <p>7 And that kind of sideline conversation</p> <p>8 was not captured in the transcript, and that's</p> <p>9 why that -- that happen -- that happened, and</p> <p>10 I think at one point I was about to raise that</p> <p>11 and, in fact, Mr. Baldiga, I think, he said</p> <p>12 something like "Can you please interpret</p> <p>13 that?"</p> <p>14 But by that point, I think Ms. Claiborne</p> <p>15 also caught on with the error of Ace Decade</p> <p>16 and Dawn State, so that had put aside -- I</p> <p>17 think that was put aside, so there were a</p> <p>18 number of these things happening ... that --</p> <p>19 that is --</p> <p>20 That is not exactly the interpreting</p> <p>21 problem that is really about the interpreter's</p> <p>22 etiquette -- professional etiquette -- you</p> <p>23 know, so at one point, I raised an issue out</p> <p>24 loud. That's what I remember.</p>
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		Page 54	Page 55
1	[REDACTED] - Highly Confidential		
2	BY MR. LUFT:		
3	Q. Do you recall anything else specifically with		
4	regard to what was said for the portion of the		
5	transcript that you reviewed at Ms. Francis' request?		
6	A. I don't have any other independent		
7	recollection.		
8	Q. Okay.		
9	(Thereupon, an informal discussion was		
10	held off the record.)		
11	BY MR. LUFT:		
12	Q. Had Ms. Francis talked to you about this		
13	issue prior to sending you this portion of the		
14	transcript?		
15	A. No.		
16	Q. Was there a cover note in connection with the		
17	transcript?		
18	A. The email was just asking me to -- in fact,		
19	I'm not sure what's said on the email, now, but no,		
20	there was no cover note.		
21	Q. Okay.		
22	(Pause.)		
23	BY MR. LUFT:		
24	Q. Did you -- have you reviewed any other		
25	portion of the 341 transcript?		

		Page 56	Page 57
1	[REDACTED] - Highly Confidential		
2	In the federal rules, there's no such		
3	thing as verbal production requests, okay? If		
4	there's something in the rules I don't know		
5	about, you guys should tell me.		
6	MR. BASSETT: Eric, there's such a thing		
7	as cooperating and providing documents that		
8	you're obligated to produce under a request in		
9	light of the hearing that is --		
10	MR. HENZY: Do you want to argue about it		
11	now?		
12	(Pause.)		
13	MR. HENZY: The schedule's your schedule.		
14	You certainly have enough people. You		
15	certainly know how to ask for things when you		
16	want them.		
17	(Pause.)		
18	MR. LUFT: Okay. Let the record reflect		
19	I'm handing Mr. Henzy a note in writing that		
20	says "Please produce the email and electronic		
21	transcript [REDACTED] just testified		
22	about."		
23	It's dated today, and it has my name on		
24	it.		
25	MR. HENZY: Thank you.		
			MR. LUFT: Now you have a written
			request.
			Please produce it. I would ask for it to
			be produced during this deposition, please.
			BY MR. LUFT:
			Q. Did you ever share this email from
			Ms. Francis and audio file with the Zeisler firm?
			A. No.
			Q. How did you respond to Ms. Francis?
			A. I said -- I suppose I wrote an email back
			saying "Yes, I'll listen and I'll check."
			Q. And did you do that?
			A. Yes.
			Q. Do you have a copy of that email?
			A. It should be with my email, I think.
			MR. LUFT: Do you want me to put an S on
			"email" or --
			MR. HENZY: You can do whatever you want.
			BY MR. LUFT:
			* Q. Okay. I'm requesting that email.
			And how did you tell Ms. Francis the results of
			checking that portion of the transcript?
			A. I just sent the file back.
			Q. Did you ever speak to Ms. Francis about this?

<p>1 [REDACTED] - Highly Confidential</p> <p>2 A. I sent -- I sent my work product back.</p> <p>3 Q. What was your work product?</p> <p>4 A. It's record of the audio.</p> <p>5 It's a transcription of the audio file from my own</p> <p>6 listening.</p> <p>7 Q. So you made a transcript of the audio file</p> <p>8 where you --</p> <p>9 A. Uh-huh.</p> <p>10 Q. Explain to me.</p> <p>11 I don't understand. Is it you translated -- you --</p> <p>12 most of it's in English, so what's going on?</p> <p>13 A. And also translated the parts spoken in</p> <p>14 Chinese, yes.</p> <p>15 Q. Do you have a copy of that?</p> <p>16 A. I have a copy of that, yes.</p> <p>17 Q. Can I have a copy of it?</p> <p>18 MR. HENZY: No. I mean -- no.</p> <p>19 You're going to see it filed as an</p> <p>20 exhibit before noon today.</p> <p>21 MR. LUFT: Okay.</p> <p>22 BY MR. LUFT:</p> <p>23 Q. [REDACTED] this isn't on you.</p> <p>24 MR. LUFT: I think it's completely</p> <p>25 improper that you have a witness and you've</p>	<p>Page 58</p> <p>1 [REDACTED] - Highly Confidential</p> <p>2 sandbagged us by not producing the exhibits</p> <p>3 you intend to put at trial.</p> <p>4 MR. HENZY: It's your schedule, Avi.</p> <p>5 It's your --</p> <p>6 MR. LUFT: What do you mean, it's my</p> <p>7 schedule?</p> <p>8 MR. HENZY: You didn't ask us for any</p> <p>9 production. It's -- it's -- I'm sorry. It's</p> <p>10 the judge's schedule.</p> <p>11 MR. BASSETT: Eric, that's also not true.</p> <p>12 MR. LUFT: Yes.</p> <p>13 MR. BASSETT: We asked you and your</p> <p>14 colleagues in advance for this exact purpose</p> <p>15 for copies of the exhibits that you intended</p> <p>16 to use --</p> <p>17 MR. HENZY: Yep.</p> <p>18 MR. BASSETT: -- and for the identities</p> <p>19 of witnesses --</p> <p>20 MR. HENZY: Yep.</p> <p>21 MR. BASSETT: -- and you refused to</p> <p>22 provide them.</p> <p>23 MR. HENZY: What we did is we're</p> <p>24 complying with the court's order, and if you</p> <p>25 didn't like the court's order, Nick, you guys</p>
---	--

<p>1 [REDACTED] - Highly Confidential</p> <p>2 definitely know how to go back and ask for</p> <p>3 relief.</p> <p>4 MR. BASSETT: Okay.</p> <p>5 MR. HENZY: This is your schedule.</p> <p>6 You're bringing this on for hearing on an</p> <p>7 expert basis.</p> <p>8 MR. BASSETT: Eric.</p> <p>9 MR. HENZY: We could have done this a</p> <p>10 very different way. You guys chose the</p> <p>11 schedule. If you didn't like --</p> <p>12 What Jim said back to you was if you --</p> <p>13 we're going to comply with the Court's order.</p> <p>14 That's what we're doing.</p> <p>15 MR. BASSETT: What I said back to Jim,</p> <p>16 which is correct, is that regardless of the</p> <p>17 court's order which set a final deadline for</p> <p>18 the exchange of witness exhibit list, we had</p> <p>19 the right to request discovery from you, which</p> <p>20 we were doing in the form of requesting all</p> <p>21 exhibits and witnesses that you then knew you</p> <p>22 anticipated using at the hearing.</p> <p>23 And the response was "We're not going to</p> <p>24 give that to you. We're going to wait until</p> <p>25 Friday."</p>	<p>Page 60</p> <p>1 [REDACTED] - Highly Confidential</p> <p>2 MR. LUFT: When on Friday are we getting</p> <p>3 this?</p> <p>4 MR. BASSETT: Noon.</p> <p>5 MR. LUFT: Why don't we go off the</p> <p>6 record? Because we may need to wait until you</p> <p>7 hand it over.</p> <p>8 MR. HENZY: I guess that's up to you. I</p> <p>9 mean, you can't -- you can't -- actually, it's</p> <p>10 not up to you.</p> <p>11 You can't say now this witness has to</p> <p>12 wait around for an hour and a half because you</p> <p>13 guys didn't --</p> <p>14 (Indistinguishable crosstalk.)</p> <p>15 MR. LUFT: If you tell Judge Manning that</p> <p>16 this is how you're -- you want to practice,</p> <p>17 you can talk about it. We're going to go off</p> <p>18 the record right now --</p> <p>19 MR. HENZY: That's fine.</p> <p>20 MR. LUFT: -- and we'll see where we are.</p> <p>21 THE VIDEOGRAPHER: The time is 10:30 a.m.</p> <p>22 We're going off the record.</p> <p>23 (Recess taken at 10:30 a.m.)</p> <p>24 (Resumed at 10:57 a.m.)</p> <p>25 THE VIDEOGRAPHER: The time is 10:57 a.m.</p>
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1 [REDACTED] - Highly Confidential
 2 We're back on the record.
 3 BY MR. LUFT:
 4 Q. [REDACTED] you mentioned that you sent
 5 Ms. Francis work product where you translated from the
 6 audio.
 7 A. Uh-huh, yes.
 8 Q. Do you have -- were there any drafts you made
 9 of that document?
 10 A. No.
 11 Q. Did -- do you have any internal drafts of the
 12 document?
 13 A. No.
 14 Q. Did you make any notes when you were creating
 15 that document?
 16 A. No.
 17 Q. Did you ask Ms. Francis for what purpose you
 18 were making this document?
 19 A. No.
 20 Q. Did you ask Ms. Francis why she wanted
 21 specifically this portion of the two days of testimony
 22 translated?
 23 A. I don't think so.
 24 Q. Did you have any communication with
 25 Ms. Francis after you sent her the document?

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1 [REDACTED] - Highly Confidential
 2 A. No.
 3 Q. After you sent Ms. Francis -- by the way, who
 4 is Ms. Francis representing?
 5 A. I don't know.
 6 (Pause.)
 7 BY MR. LUFT:
 8 Q. Did you ask her who she's representing?
 9 A. No.
 10 Q. Why did you do it, if you had no idea who
 11 Ms. Francis was asking you to do it for?
 12 A. She's API client.
 13 Q. So your client -- Ms. Francis is -- is your
 14 client?
 15 A. No. I mean, if she asks me to do a job, then
 16 I will do a job and I will give it back to her.
 17 Q. Did Ms. Francis pay you for this work?
 18 (Pause.)
 19 THE WITNESS: No.
 20 BY MR. LUFT:
 21 Q. All right. Who paid you for the work?
 22 A. Counsel's firm.
 23 Q. Which counsel?
 24 A. Mr. Zeisler's firm.
 25 Q. So Mr. Zeisler's firm paid you to do the

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1 [REDACTED] - Highly Confidential
 2 translation?
 3 A. I assume so, yeah.
 4 Q. But Ms. Francis was the one who asked you?
 5 A. Uh-huh, yes.
 6 Q. How much did they pay you to do the
 7 translation?
 8 A. I charge by the day --
 9 Q. Okay.
 10 A. -- and do I have to say that?
 11 Q. You do. I'm sorry.
 12 MR. HENZY: It's not very relevant.
 13 But yeah, you have to, if he really wants
 14 to know.
 15 THE WITNESS: As an interpreter, my day
 16 rate is a thousand dollars a day.
 17 BY MR. LUFT:
 18 Q. Is that how much you were paid to do this
 19 translation?
 20 A. Yes.
 21 Q. How long did it take you to do the
 22 translation?
 23 A. About a day.
 24 (Pause.)

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1 [REDACTED] - Highly Confidential
 2 BY MR. LUFT:
 3 Q. After you sent --
 4 How long did it take you to get back to Ms. Francis
 5 with your work product?
 6 (Pause.)
 7 THE WITNESS: Can you ask the question
 8 again?
 9 BY MR. LUFT:
 10 Q. Sure. You said Ms. Francis sent you this
 11 portion of the transcript about a month ago --
 12 A. Yes.
 13 Q. After receiving the email --
 14 A. Yes.
 15 Q. -- with the request that you translate it,
 16 how long did it take you to get back to her with your
 17 work product?
 18 (Pause.)
 19 THE WITNESS: I think a couple of days or
 20 several days. Within several days.
 21 BY MR. LUFT:
 22 Q. Okay, so -- but within a week?
 23 A. Yes. I think so, yeah.
 24 Q. After you sent Ms. Francis back the work
 25 product --

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		Page 66			Page 67
1	████████ - Highly Confidential		1	████████ - Highly Confidential	
2	A. Uh-huh.		2	████████ covered by the privilege. That's --	
3	Q. -- did you have any other conversations with		3	That's a classic case of a third party	
4	Ms. Francis about this translation?		4	being covered by privilege, Avi. I can't -- I	
5	MR. HENZY: I'm going to actually object		5	can't do my job because I don't understand	
6	now, based on attorney-client privilege. I'm		6	Chinese. There's an audio that's in Chinese.	
7	going to instruct you not to answer.		7	I need an interpreter to tell me what's in the	
8	MR. LUFT: Based on whose attorney-client		8	audio, okay?	
9	privilege?		9	BY MR. LUFT:	
10	I'm sorry. Just -- Eric, just so I		10	Q. Who retained you to do this job?	
11	understand, who -- who's the relationship		11	A. I don't know.	
12	between?		12	Q. Who were you translating on behalf of?	
13	MR. HENZY: It's between Melissa Francis		13	(Pause.)	
14	and Ho Wan Kwok.		14	THE WITNESS: I don't really know.	
15	BY MR. LUFT:		15	Mechanically -- you know.	
16	Q. Okay. Is Ms. Francis your attorney?		16	I'm only given the job and then I listen	
17	A. No.		17	to the file and then I produce the work	
18	MR. LUFT: So I don't understand what the		18	product. I send it back and I get paid. To	
19	privilege assertion is.		19	me, that's the end of it.	
20	THE WITNESS: But anyway, no.		20	BY MR. LUFT:	
21	MR. HENZY: It's a privilege on Mr. Kwok.		21	Q. Okay. So Mr. Henzy's firm was not	
22	You can't violate attorney-client privilege.		22	representing you at the time, correct?	
23	I mean, █████ -- hold on.		23	A. No, that's correct.	
24	████ was acting as an interpreter at the		24	Q. Okay. Can you please tell me about any	
25	direction of counsel for Mr. Kwok, so █████ --		25	communications you had with Ms. Francis with regard to	
1	████████ - Highly Confidential	Page 68	1	████████ - Highly Confidential	Page 69
2	this communication other than the document she sent?		2	BY MR. LUFT:	
3	MR. HENZY: Objection, privilege. I		3	Q. Do you know if you're testifying as a fact	
4	instruct you not to answer.		4	witness or an expert?	
5	MR. LUFT: Eric, you can't introduce an		5	A. I don't.	
6	exhibit and put █████ up as a witness on behalf		6	MR. LUFT: Mr. Henzy, is █████ being put	
7	of it and then say, "But I won't tell you		7	forward as an expert or as a fact witness in	
8	anything █████ said about it." You made the		8	this matter?	
9	choice.		9	MR. HENZY: █████ being put forward as a	
10	MR. HENZY: But you're not asking █████ a		10	witness, I think, primarily a fact witness.	
11	question --		11	I'm not going to say exclusively as a fact	
12	MR. LUFT: Okay.		12	witness.	
13	MR. HENZY: -- about what █████ said about		13	MR. LUFT: Well, we are entitled under	
14	it or what █████ did.		14	the federal rules to know if █████ is being put	
15	You're asking █████ a question about what a		15	forward as an expert.	
16	lawyer said to █████ That is privileged		16	So I need you to tell me, because it's	
17	communication.		17	going to impact the questioning I have.	
18	BY MR. LUFT:		18	MR. HENZY: They are going to be aspects	
19	Q. Let me ask you this, █████		19	of █████ testimony that maybe deemed to be	
20	Are you here to -- are you testifying as a fact		20	expert testimony.	
21	witness or an expert witness in this matter?		21	MR. LUFT: In that case, there is no	
22	MR. HENZY: Objection, asks for a legal		22	privilege and I'm entitled to ask █████ about	
23	conclusion. I don't know how █████ would know		23	this.	
24	that.		24	████ a testifying witness. I'm entitled	
25			25	to know about █████ opinions, what █████ relied	

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1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	upon, and the communications █████ had in	2	Q. What expert opinions are you prepared to
3	connection with those opinions.	3	offer in this case?
4	MR. HENZY: That's not the question you	4	MR. HENZY: Objection, asks for a legal
5	asked, though.	5	conclusion.
6	MR. LUFT: It 100 percent is.	6	MR. LUFT: I'm entitled to know what --
7	MR. HENZY: You didn't ask █████ what did	7	if █████ going to be put forth as an expert,
8	you rely upon.	8	I'm entitled to know --
9	MR. LUFT: Okay.	9	MR. HENZY: █████ can answer the question.
10	MR. HENZY: I mean, ask █████ that, Avi,	10	BY MR. LUFT:
11	and then we can go from there.	11	Q. What expert opinions are you going to put
12	BY MR. LUFT:	12	forward in this case?
13	Q. █████	13	MR. HENZY: Objection, asks for a legal
14	A. Uh-huh.	14	conclusion. You can ask █████ what opinion
15	Q. -- are you going to be offering expert	15	she's going to be offering.
16	testimony in this case?	16	MR. LUFT: No, Eric.
17	MR. HENZY: Objection, asks for a legal	17	MR. HENZY: I'm not going to --
18	conclusion.	18	I'm not -- you're right. I shouldn't
19	BY MR. LUFT:	19	tell you what question to ask. You're right.
20	Q. You can answer.	20	MR. LUFT: More importantly, if you're
21	A. If the court wants me to say something,	21	putting forward an expert witness, you have to
22	answer a question, I will answer a question.	22	disclose what expert opinions they have
23	I don't know whether I'm asked to -- to be an	23	before -- at their deposition.
24	expert witness or whatever witness. I'm just here to	24	MR. HENZY: So -- so you can ask █████
25	answer questions.	25	Ask █████ -- well, go ahead. Ask the question
	Page 72		Page 73
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	I -- I made an objection, and now █████ can	2	A. Well, that is to prepare for the case, right?
3	answer the question.	3	Q. Well --
4	BY MR. LUFT:	4	A. The court?
5	Q. Do you know what expert opinions you're going	5	Q. █████
6	to be prepared to offer to the court in this case?	6	A. Uh-huh.
7	A. I don't, but I'm a court certified	7	Q. -- please tell me all expert opinions you
8	interpreter/translator, and I've been in -- working as	8	intend to offer at the hearing on Tuesday.
9	an interpreter in court cases for over 20 years.	9	MR. HENZY: Objection, asks for a legal
10	So for that, if the court asks me questions about	10	conclusion.
11	interpretation, I would tell them what I think as an	11	THE WITNESS: I don't know. I am --
12	experienced court certified interpreter.	12	whatever Court is asking me -- whatever --
13	Q. And if the court chooses not to ask you any	13	Whatever question is asked of me at the
14	questions --	14	Court hearing on Tuesday, I would answer them.
15	A. Uh-huh.	15	BY MR. LUFT:
16	Q. -- you're not prepared to offer any expert	16	Q. So sitting here today you're not aware of any
17	testimony in this case?	17	expert opinions that you're planning to offer at the
18	MR. HENZY: Objection.	18	hearing --
19	Asks for a legal conclusion. It's also	19	A. That's correct.
20	vague and ambiguous.	20	Q. -- with respect to this contempt motion?
21	THE WITNESS: If the Court is not asking	21	A. That's correct.
22	me questions, why would I say anything?	22	MR. HENZY: Objection, asks for a legal
23	BY MR. LUFT:	23	conclusion.
24	Q. Because I believe Mr. Henzy wants you to	24	(Pause.)
25	answer questions.	25	

1 [REDACTED] - Highly Confidential Page 74

2 BY MR. LUFT:

3 Q. Has Mr. Henzy asked you to offer any expert

4 opinions at the hearing on Tuesday?

5 MR. HENZY: Objection, asks for a legal

6 conclusion.

7 THE WITNESS: Not specifically.

8 BY MR. LUFT:

9 Q. Has anyone from Mr. Henzy's firm asked

10 you to offer any expert opinions at the hearing on

11 Tuesday?

12 MR. HENZY: Same objection.

13 THE WITNESS: No.

14 (Pause.)

15 BY MR. LUFT:

16 Q. Has Ms. Francis asked you to offer any expert

17 opinions --

18 A. No.

19 Q. -- at the hearing on Tuesday?

20 MR. HENZY: Same objection.

21 THE WITNESS: No.

22 BY MR. LUFT:

23 Q. Has any counsel for Mr. Kwok asked you to

24 offer any expert opinions?

25 A. No.

1 [REDACTED] - Highly Confidential Page 75

2 (Pause.)

3 BY MR. LUFT:

4 Q. And sitting here today, you cannot identify

5 any expert opinions that you plan to offer to this Court

6 as testimony as the context hearing on Tuesday, correct?

7 MR. HENZY: Same objection.

8 THE WITNESS: That's correct.

9 BY MR. LUFT:

10 Q. Okay. Other than the portion of the

11 transcript that Ms. Francis sent you, have you reviewed

12 any other portions of the two days of 341 testimony?

13 A. No.

14 Q. Did you ever ask to review any other portions

15 of it?

16 A. No.

17 Q. Have you ever listened to the audio of the

18 rest of the 341 hearing?

19 A. No.

20 (Pause.)

21 BY MR. LUFT:

22 Q. Did anyone ever ask you to listen to any

23 other portions of the audio of the 341 hearing?

24 A. No.

25 Q. Anyone ever ask you to look at any other

1 [REDACTED] - Highly Confidential Page 76

2 portions of the transcript of the 341 hearing other than

3 the portion that Ms. Francis had selected for you?

4 A. No.

5 (Pause.)

6 BY MR. LUFT:

7 Q. Have you ever acted as a Court interpreter?

8 A. Yes.

9 Q. When?

10 (Pause.)

11 BY MR. LUFT:

12 Q. And by that, I mean acting as the interpreter

13 for a court.

14 A. Yes.

15 Q. Yes? So I meant --

16 A. Yes.

17 Q. Just clarifying. Sorry.

18 A. Yes, throughout the past 20 to 30 years.

19 Q. Okay. How often?

20 A. More often 20 years ago, and less often the

21 recent 10 years, and less often the last year.

22 Q. How often have you acted as interpreter for

23 the Court in the past 10 years?

24 A. How often? It's really hard to say.

25 Q. Give me your best recollection.

1 [REDACTED] - Highly Confidential Page 77

2 A. See, I work for cases, and -- and there are a

3 number of courts ...

4 (Pause.)

5 THE WITNESS: Once a month. A case a

6 month.

7 BY MR. LUFT:

8 Q. When was the first time you worked with

9 Mr. Kwok?

10 (Pause.)

11 THE WITNESS: I can't remember when was

12 the last hearing that I appeared as check

13 interpreter for Mr. Kwok.

14 BY MR. LUFT:

15 Q. Do you recall the first time you acted as an

16 interpreter for Mr. Kwok?

17 A. That I remember, yes.

18 Q. When was that?

19 A. I don't recall the specific time. It would

20 be ranging between 2016 to 2017. That was the first

21 time.

22 Q. Okay, and other than serving as a check

23 interpreter for Mr. Kwok in court proceedings, have you

24 ever worked as -- on behalf of Mr. Kwok in any other

25 capacity?

1 [REDACTED] - Highly Confidential Page 78

2 A. At the early days, yeah.

3 The first time I was -- I was referred to be an

4 interpreter for his conference.

5 Q. What conference is that?

6 A. It was a conference supposed to happen --

7 supposed to happen in Washington, D.C. However, it did

8 not happen, but that was the first time I met him.

9 Q. Are there any other times you've worked for

10 Mr. Kwok other than -- other than as a check interpreter

11 in connection with court proceedings?

12 A. Yes.

13 Q. Please tell me about them.

14 A. I worked as an interpreter for Mr. Kwok in a

15 court case -- in a case regarding defamation.

16 Q. Other than in connection with a court case --

17 A. Uh-huh.

18 Q. -- have you ever acted as a -- worked for

19 Mr. Kwok in any capacity --

20 A. As an --

21 Q. -- with the exception of the conference you

22 mentioned?

23 MR. HENZY: I'm just going to object.

24 Vague and ambiguous. I'm not trying --

25 just --

1 [REDACTED] - Highly Confidential Page 79

2 MR. LUFT: Okay.

3 MR. HENZY: Work for him in any other

4 capacity? You mean as an employee or ...

5 MR. LUFT: Worked for him. I don't care

6 how [REDACTED] characterizes it.

7 MR. HENZY: Okay.

8 THE WITNESS: Just conferences.

9 BY MR. LUFT:

10 Q. What conferences have you worked for

11 Mr. Kwok?

12 A. Mr. Kwok had, I think --

13 Once a year, in the past, he had those

14 anti-Communist Party conferences, and there would be

15 kind of like several interpreters interpreting for those

16 conferences simultaneously.

17 We would -- we would -- we would do those

18 conference interpreting -- simultaneous interpreting in

19 a conference setting.

20 Q. Anything else?

21 A. And the court defamation case and check

22 interpreting.

23 Q. Anything else?

24 A. That's about it.

25 (Thereupon, an informal discussion was

1 [REDACTED] - Highly Confidential Page 80

2 held off the record.)

3 BY MR. LUFT:

4 Q. What's your best estimate of how many times

5 you've been hired by Mr. Kwok?

6 A. I was never hired by Mr. Kwok.

7 Q. Who hired you, then?

8 A. His office.

9 Q. What's Mr. Kwok's office?

10 A. Say that again?

11 Q. What do you mean when you say, "Mr. Kwok's

12 office"?

13 A. His staff.

14 Q. Who is on Mr. Kwok's staff?

15 A. For court cases, then it would be

16 Ms. Francis, and at the beginning of the conference, it

17 was Ms. Wang.

18 Q. Anyone else on Mr. Kwok's staff besides

19 Ms. Francis and Ms. Wang?

20 A. That I have no idea.

21 Q. Are you aware of any other people who work

22 for Mr. Kwok other than Ms. Francis and Ms. Wang?

23 A. I don't know them.

24 Q. When you say, "Ms. Wang," are you referring

25 to Yvette Wang?

1 [REDACTED] - Highly Confidential Page 81

2 A. Yes.

3 Q. When you say they hired you, they hired you

4 to work on behalf of their boss, Mr. Kwok?

5 A. They hired me to work in an event, and those

6 event -- whatever it is, then that's the event.

7 Q. So let's take the defamation case.

8 A. Uh-huh.

9 Q. Mr. Kwok is a party to that case?

10 A. That's right.

11 Q. And you were being hired by Mr. Kwok's staff

12 to work on their boss' behalf?

13 A. As an interpreter.

14 Q. Right. On behalf their boss, Mr. Kwok?

15 A. For Mr. Kwok.

16 Q. Okay, and who paid you for your work on

17 behalf of Mr. Kwok?

18 A. In those time, Golden Spring.

19 Q. Did you have a contract with Golden Spring?

20 A. No. No.

21 Q. So how did you know that Golden Spring was

22 going to pay you for the work that you did on behalf of

23 Mr. Kwok?

24 A. I think it was the first time I was referred

25 to by a fellow interpreter to work for Mr. Kwok's

	Page 82		Page 83
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	conference and -- because I was referred to and from a	2	Spring?
3	fellow interpreter, so if my colleague worked for him	3	A. "Other work" meaning ...
4	and got paid, then I think I will get paid.	4	Q. Meaning like the defamation case for -- that
5	Q. So when Mr. Kwok would have Golden Spring pay	5	Mr. Kwok is involved in, right?
6	you --	6	A. That was requested by Golden Spring, so
7	A. Uh-huh.	7	Golden Spring paid me.
8	Q. -- for your work, how did they send you that	8	Q. Have you ever been paid for work you have
9	money?	9	done on behalf of Mr. Kwok by any entity other than
10	A. They mailed it to me.	10	Golden Spring?
11	Q. By check?	11	A. For this bankruptcy --
12	A. Uh-huh, yes.	12	Q. Uh-huh.
13	Q. And whose account was that check from?	13	A. -- the court hearing, serve as check
14	A. Golden Spring.	14	interpreter, I was paid by counsel's firm.
15	Q. Was there any ever -- any entity Mr. Kwok had	15	Q. Are you being paid for your time today?
16	you paid by other than Golden Spring for any of the work	16	A. Not -- not -- not here now.
17	that you did for him?	17	Q. How about for Tuesday? Are you being
18	(Pause.)	18	compensated?
19	THE WITNESS: If I was contracted by or	19	A. Yes.
20	if I was requested by Golden Spring to do the	20	Q. Who is paying that?
21	work for an event, then I was paid by Golden	21	A. I expect to be, as you ...
22	Spring.	22	Q. And who is paying you for that?
23	BY MR. LUFT:	23	A. Because it was requested by Zeisler, so I
24	Q. And for other work you did for Mr. Kwok, did	24	will be sending my invoice to Zeisler, and I will expect
25	anyone ever pay you for that work other than Golden	25	Mr. Zeisler to pay me.
	Page 84		Page 85
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	Q. How about in connection for the work	2	Q. More than \$50,000?
3	Ms. Francis sent you the translation work, who will pay	3	A. That I cannot be sure.
4	you for that?	4	Q. More than \$50,000, potentially?
5	A. I send the invoice to Zeisler, too.	5	A. See, the thing is I have to ask you make a
6	Q. Can you give --	6	division. Fifty thousand divide by one thousand, how
7	Can you tell me how much money you've earned work	7	many events?
8	for Mr. Kwok since the first time you started working	8	Because I remember events. I don't really remember
9	for him up through today?	9	the number -- you know.
10	A. I have not tallied up.	10	Q. From 2016 until today --
11	Q. What's your best estimate?	11	A. Uh-huh.
12	(Pause.)	12	Q. -- anyone you've worked with more often than
13	THE WITNESS: It was hard to say, really.	13	Mr. Kwok?
14	I -- I --	14	A. Yes. Much more.
15	I can't, because at the early days, I did	15	Q. How many other clients do you have?
16	a number of conferences for him, and that was	16	A. I have a lot of clients.
17	good. Nowadays, not that many, so ...	17	Q. Do you ever serve as interpreter for Mr. Kwok
18	BY MR. LUFT:	18	in connection with his business meetings?
19	Q. Do you think you've earned more than \$10,000	19	A. No.
20	work for Mr. Kwok?	20	Q. How about when Mr. Kwok is talking to
21	A. From -- since 2016 or 2017?	21	Ms. Francis? Who is interpreting for them?
22	Q. Yes.	22	A. I have no idea.
23	A. Yes.	23	Q. Have you ever seen Mr. Kwok talk to
24	Q. More than \$20,000?	24	Ms. Francis? Have you ever seen him talking to
25	A. Yes.	25	Ms. Francis?

		Page 86			Page 87
1	████████ - Highly Confidential		1	████████ - Highly Confidential	
2	A. I may have. I can't remember specifically.		2	Q. How often?	
3	Q. Did you have to interpret for them?		3	A. He spoke with his counsel sometimes with	
4	A. No.		4	broken English.	
5	Q. Were they just talking in English, so it		5	Q. For how -- and they would be talking about	
6	wasn't necessary?		6	legal matters?	
7	(Pause.)		7	A. No, I don't think so. When talking in legal	
8	THE WITNESS: I'm trying to remember		8	matters, I would be interpreting.	
9	whether I was there any time. I don't know.		9	Q. But otherwise, he speaks to counsel in broken	
10	BY MR. LUFT:		10	English?	
11	Q. How about when Mr. Kwok talks to other people		11	A. Like "How are you?" That kind of thing.	
12	in English? Does he ask you to help him out with words?		12	Q. How conversant is he in English?	
13	A. When he met with counsel, then I interpret		13	A. I have no idea.	
14	for him.		14	Q. From -- based on your observations?	
15	Q. Okay, but when he's talking to other people		15	MR. HENZY: Objection. Asked and	
16	in English, does he ever ask you to help him with words		16	answered.	
17	that he doesn't know in English?		17	(Pause.)	
18	MR. HENZY: Object. I'm not sure █████		18	THE WITNESS: He's okay,	
19	testified --		19	conversationally, with casual matters.	
20	BY MR. LUFT:		20	BY MR. LUFT:	
21	Q. You can go ahead. Please answer.		21	Q. Have you ever received a check from any	
22	A. I don't interpret for him in English outside		22	entity other than Golden Spring or the Zeisler firm in	
23	from court cases.		23	connection with your work on behalf of Mr. Kwok?	
24	Q. Have you ever heard Mr. Kwok speak English?		24	(Pause.)	
25	A. Yes.		25	THE WITNESS: Golden Spring and Zeisler.	
		Page 88			Page 89
1	████████ - Highly Confidential		1	████████ - Highly Confidential	
2	Brown Rudnick, most recently. That's it.		2	Krasner?	
3	BY MR. LUFT:		3	A. Max Krasner? No.	
4	Q. That's it? Okay. Do you travel with		4	Q. How about Aaron Mitchell?	
5	Mr. Kwok?		5	A. I saw him in court, and he would tell me if	
6	A. No.		6	Mr. Kwok is going to be there late or he's there or	
7	Q. Okay. When Mr. Kwok has a job for you --		7	something like that.	
8	A. Uh-huh.		8	Q. Daniel Podolski?	
9	Q. -- how does he communicate that to you?		9	A. He was around when there was -- when I was	
10	A. Mr. Kwok never communicated with me and it		10	working in those conference.	
11	is -- it's not his job. Ms. Wang would tell me to		11	Q. What's the relationship like ...	
12	interpret for Mr. Kwok's conference.		12	MR. LUFT: Let me strike that.	
13	Q. When you say it's not Mr. Kwok's "job," what		13	BY MR. LUFT:	
14	do you mean by that?		14	Q. What's Ms. Wang's job for her boss, Mr. Kwok?	
15	A. I mean I don't -- at conferences, I don't		15	A. I ...	
16	really interpret for -- by his side. It's a conference.		16	MR. HENZY: Objection, lack of	
17	You know, it's an event, so I would interpret in that		17	foundation.	
18	conference.		18	THE WITNESS: I don't really know. I	
19	Q. Okay. How about when you're acting as a		19	only get the request to interpret.	
20	check interpreter for Mr. Kwok?		20	BY MR. LUFT:	
21	A. Right, and Ms. Francis would tell me the time		21	Q. But you understand that Ms. Wang works for	
22	and the date and the venue --		22	Mr. Kwok --	
23	Q. Uh-huh.		23	A. Yes.	
24	A. -- and I would be there.		24	Q. -- correct?	
25	Q. Did you ever have any communications with Max		25	A. Yes.	

1 [REDACTED] - Highly Confidential 2 Q. Do you ever see Mr. Kwok give her directions? 3 A. I did not see personally. 4 Q. Have you ever worked for any other members of 5 Mr. Kwok's family as an interpreter? 6 A. No. 7 (Pause.) 8 BY MR. LUFT: 9 Q. Have you been -- 10 What compensation have you been told you will 11 receive for any testimony you give in this case? 12 A. You mean here, now? For this -- 13 Q. For -- 14 A. -- or anything? 15 Q. For anything -- 16 A. No. 17 Q. -- related to this contempt motion. 18 A. No. I give testimony in court or I -- 19 When I'm deposed, when it is a court case, I don't 20 know that should be compensated. 21 Q. So if you appear on Tuesday -- 22 A. Yeah. 23 Q. -- you are not expecting to be compensated? 24 A. Not as a witness. 25 Q. What are you expecting to be compensated as?	Page 90 1 [REDACTED] - Highly Confidential 2 A. If I were the check interpreter, yes, I will 3 expect to be paid. 4 Q. Are you going to be Mr. Kwok's check 5 interpreter at the hearing on Tuesday? 6 A. That's what I thought I was going to be. 7 Q. When you say that's what you thought you were 8 going to be, what do you mean? 9 A. Because before you ask me the question 10 whether I'm going to be testifying on Tuesday, and I did 11 not know that I was. 12 So I -- my whole -- my whole understanding was that 13 I would be the check interpreter for that hearing. 14 Q. So this is pretty surprising to you today, 15 huh? 16 A. Like I said, it may not have registered with 17 me. Maybe it was mentioned. It's -- it's just I did 18 not catch it. I thought that's only today, so yeah. 19 Q. Will you be paid a thousand dollars for your 20 work on Tuesday? 21 A. Well, it depends on the time. If it is a 22 whole day, yes. 23 Q. If not, do you have an hourly rate? 24 A. If it is falling into -- within four hours, 25 that will be a half day rate.
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1 [REDACTED] - Highly Confidential 2 Q. Which is \$500? 3 A. No. 4 Q. What is your half day rate? 5 A. Do you have to ask me my rate? Really? 6 Q. I'm sorry. 7 A. Do I have to say that? 8 MR. HENZY: You have to say it, yeah. 9 THE WITNESS: Money should not be talked 10 about in public. Anyway, 600. 11 BY MR. LUFT: 12 Q. Okay. Are you owed any money by Mr. Kwok on 13 behalf of the work you've done for him to date? 14 A. I haven't sent any invoice for today, so no. 15 Q. How about for the work you've been doing up 16 until today? 17 A. I was not owed any money. 18 Q. Okay. 19 (Pause.) 20 BY MR. LUFT: 21 Q. Do you have any -- can you tell me what your 22 highest -- 23 MR. LUFT: Let me strike that. 24 BY MR. LUFT: 25 Q. Can you tell me -- did you go to college?	Page 92 1 [REDACTED] - Highly Confidential 2 A. Uh-huh, yes. 3 Q. Where? 4 A. England. 5 Q. And what did you study? 6 A. I got a bachelor degree in translation in 7 Westminster University, England. 8 Q. In connection with the work you've done in 9 this matter -- 10 A. Uh-huh. 11 Q. -- what -- what scholarly texts did you 12 consult in forming -- in performing your work? 13 A. I haven't consulted any scholarly work. 14 Q. Have you reached out to any other experts in 15 the field to consult with regard to any opinions you may 16 have in this matter? 17 A. No. 18 Q. Can you describe for me the methodology you 19 used in connection with your work in this matter? 20 A. I listened to the audio, and then I 21 transcribed the English part of the statements word by 22 word, and then I translate the Chinese words into 23 English and recorded them in my work product. 24 Q. Do you have copies of that work product that 25 you created?
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<p>1 [REDACTED] - Highly Confidential</p> <p>2 A. No. I don't have it with me.</p> <p>3 Q. Do you have it at home?</p> <p>4 A. I have it at home.</p> <p>5 * MR. LUFT: Okay.</p> <p>6 I would like to request copies of that</p> <p>7 work -- [REDACTED] work with regard to</p> <p>8 her opinions as well.</p> <p>9 THE WITNESS: Sorry. But -- didn't --</p> <p>10 Wasn't that the one that you were talking</p> <p>11 about before? Are you talking about something</p> <p>12 else? I haven't done any --</p> <p>13 BY MR. LUFT:</p> <p>14 Q. So you're --</p> <p>15 You're referring to just the documents you provided</p> <p>16 to Ms. Francis?</p> <p>17 A. Right.</p> <p>18 Q. Okay. There's no other drafts?</p> <p>19 A. No.</p> <p>20 Q. There's no other work product?</p> <p>21 A. No.</p> <p>22 Q. Okay. Prior to the 341 hearing, were you</p> <p>23 involved in the preparation for it?</p> <p>24 A. No.</p> <p>25 Q. Did you meet with counsel and Mr. Kwok in</p>	<p>Page 94</p> <p>1 [REDACTED] - Highly Confidential</p> <p>2 preparation for that hearing?</p> <p>3 A. The 341?</p> <p>4 I attended some meetings between Mr. Kwok and the</p> <p>5 counsels, but I cannot recall specifically what -- what</p> <p>6 meetings -- you know, what subject matters were</p> <p>7 discussed.</p> <p>8 Q. Do you recall if there was any discussion of</p> <p>9 Ace Decade --</p> <p>10 MR. HENZY: Objection.</p> <p>11 THE WITNESS: No.</p> <p>12 BY MR. LUFT:</p> <p>13 Q. -- at that meeting?</p> <p>14 A. No.</p> <p>15 MR. HENZY: Objection. Move to strike.</p> <p>16 Objection, attorney-client privilege. I</p> <p>17 instruct her not to answer.</p> <p>18 MR. LUFT: Mr. Kwok's privilege now</p> <p>19 belongs to Mr. Despins on that issue.</p> <p>20 (Thereupon, an informal discussion was</p> <p>21 held off the record with the shorthand</p> <p>22 reporter.)</p> <p>23 MR. LUFT: Mr. Kwok's privilege with</p> <p>24 regard to any work in connection with his</p> <p>25 bankruptcy proceeding with Brown Rudnick now</p>
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<p>1 [REDACTED] - Highly Confidential</p> <p>2 belongs to Mr. Despins.</p> <p>3 MR. HENZY: [REDACTED] answered the question.</p> <p>4 THE WITNESS: No, I said.</p> <p>5 BY MR. LUFT:</p> <p>6 Q. Do you recall any discussion at the UBS</p> <p>7 litigation?</p> <p>8 A. No.</p> <p>9 Q. Any discussion about lawsuit in the United</p> <p>10 Kingdom?</p> <p>11 A. What?</p> <p>12 Q. A lawsuit in the United Kingdom?</p> <p>13 (Pause.)</p> <p>14 THE WITNESS: Counsel, my memory at the</p> <p>15 moment is quite muddled.</p> <p>16 I remember a lawsuit in the United</p> <p>17 Kingdom mentioned, but probably in court, so I</p> <p>18 cannot recall exactly -- you know.</p> <p>19 BY MR. LUFT:</p> <p>20 Q. Okay. Prior to hearing the name Ace Decade</p> <p>21 at the 341 hearing --</p> <p>22 A. Uh-huh.</p> <p>23 Q. -- had you ever heard that name before?</p> <p>24 A. I might have.</p> <p>25 Q. Do you recall in what context?</p>	<p>Page 96</p> <p>1 [REDACTED] - Highly Confidential</p> <p>2 A. Probably between counsel's meeting.</p> <p>3 Q. What's your best recollection of what you</p> <p>4 heard discussed about Ace Decade prior to the 341</p> <p>5 hearing?</p> <p>6 A. I don't recall.</p> <p>7 Q. After the -- immediately after the 341</p> <p>8 hearing --</p> <p>9 A. Uh-huh.</p> <p>10 Q. -- did you have any discussion with anyone</p> <p>11 with regard to the topic of Ace Decade?</p> <p>12 A. No.</p> <p>13 Q. Did you have any conversation with anyone</p> <p>14 with regard to the question of mistranslation with</p> <p>15 regard to any questions about Ace Decade?</p> <p>16 A. Not after departing from the courtroom.</p> <p>17 Q. Upon leaving the 341 hearing, did you tell</p> <p>18 anyone that there were material misstatements made in</p> <p>19 the translation with regard to Ace Decade?</p> <p>20 (Pause.)</p> <p>21 MR. HENZY: Objection. Ambiguous, vague.</p> <p>22 THE WITNESS: I probably --</p> <p>23 I probably would have said something</p> <p>24 like -- like -- like a tirade -- you know.</p> <p>25</p>
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	Page 98		Page 99
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	BY MR. LUFT:	2	Q. Do you have any of the notes that you took
3	Q. I'm asking you if you have a specific	3	during Mr. Kwok's 341 hearing?
4	recollection now of what you think you might have said.	4	A. No.
5	Do you recall anything --	5	Q. What happened to those notes?
6	A. No.	6	A. Just discarded it.
7	Q. -- about any mistakes with regard to any	7	Q. When did you get rid of them?
8	testimony as to Ace Decade?	8	A. When the book is finished. Then I'll just --
9	A. No. I might have said something, but I don't	9	I use steno pad, so when the pad is full, then I'll just
10	recall what I said.	10	discard them.
11	(Pause.)	11	Q. Do you know when you discarded your notes
12	BY MR. LUFT:	12	with regard to the 341 hearing?
13	Q. Okay. When you're translating, do you wait	13	(Pause.)
14	until the speaker is done with their question to start	14	THE WITNESS: It could be that day or it
15	translating, or if it's a long question, do you make	15	could be out of the next meeting, because --
16	them pause a translate a portion of the question and	16	because --
17	then do another portion?	17	I don't use one notepad for one case, so
18	A. I usually wait until the question's asked	18	it's continuous, so I actually can't recall
19	completely. Then I start to -- to interpret it.	19	when I discarded that.
20	Q. Do you take notes while the questioner is	20	BY MR. LUFT:
21	speaking?	21	Q. Did anyone from Mr. Kwok's counsel ask you
22	A. Yes.	22	for copies of your notes with regard to any
23	Q. When you're acting as a check interpreter, do	23	translations?
24	you take notes?	24	A. No.
25	A. Yes.	25	Q. Did anyone from Mr. Kwok's counsel tell you
	Page 100		Page 101
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	that after the 341 hearing, that they wanted to see your	2	want me to give you examples?
3	notes because they were concerned about the issue of	3	You want me to tell you what kind of
4	mistranslations?	4	context -- give -- like lay out a scenario or
5	A. No.	5	what?
6	Q. Did Mr. Kwok tell you that he wanted you to	6	BY MR. LUFT:
7	speak with his counsel with regard to the issue of	7	Q. Let me ask it a different way.
8	mistranslations?	8	A. Uh-huh.
9	A. No.	9	Q. You said you have to consider context.
10	Q. Did anyone acting on behalf of Mr. Kwok talk	10	A. Yes.
11	to you about the fact there were mistranslations at the	11	Q. Why do you have to consider context?
12	hearing that action should be taken about after the	12	A. Well, if it's just a line of questions, then
13	hearing concluded?	13	you have already interpreted previous questions and
14	A. No.	14	then -- so the context is naturally following, right?
15	Q. Okay. When you're translating --	15	I mean, but if they are stand-alone questions,
16	A. Uh-huh.	16	then -- then there is no context involved.
17	Q. -- do you consider the context of the	17	Q. At the 341 hearing --
18	question?	18	A. Uh-huh.
19	A. Yes.	19	Q. -- the translator was sworn in to tell the
20	Q. How so?	20	truth, correct?
21	A. Well, I think it has to be considered, right?	21	A. Yes.
22	But you're asking me -- I don't know how to answer this	22	Q. As the check interpreter, you are not sworn
23	question, actually.	23	in, correct?
24	(Pause.)	24	A. I think we were. I think all interpreters
25	THE WITNESS: When you say, "How so," you	25	are sworn.

1 [REDACTED] - Highly Confidential
 2 Q. Okay. I guess we can look at the transcript
 3 later, but your recollection is you were sworn in as a
 4 translator at the 341 hearings?
 5 A. I don't recall, but because there are times
 6 that -- as court interpreters, we would be sworn in,
 7 too, at court and at depositions.
 8 So I may not have a clear recollection whether I
 9 was sworn in at that specific court hearing, but as an
 10 interpreter, we -- we -- we know we're always acting
 11 under oath of our professional oath.
 12 Q. Okay, and at the 341 hearing, a question
 13 would be asked in English --
 14 A. Uh-huh.
 15 Q. -- correct?
 16 A. Yes.
 17 Q. -- and then you would hear the Chinese
 18 translation?
 19 A. Yes.
 20 Q. And as the court interpreter, if there was a
 21 problem with that question, you would either let
 22 Mr. Baldiga know through a note or you would make a
 23 statement, correct?
 24 A. Yes.
 25 Q. And if there was no problem with the

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1 [REDACTED] - Highly Confidential
 2 question, you would neither pass a note nor make a
 3 statement, correct?
 4 (Pause.)
 5 THE WITNESS: Most probably, that's
 6 correct.
 7 BY MR. LUFT:
 8 Q. Okay, and then here, Mr. Kwok would give an
 9 answer in Chinese --
 10 A. Yes.
 11 Q. -- and then the translator would translate
 12 Mr. Kwok's answer to English --
 13 A. Yes.
 14 Q. -- correct?
 15 A. Yes.
 16 Q. And if you believed the translator made an
 17 error in connection with translating Mr. Kwok's answer
 18 into English --
 19 A. Uh-huh.
 20 Q. -- you would again either make a statement on
 21 the record or pass Mr. Baldiga a note telling him that
 22 there was an error, correct?
 23 A. Most probably, yes.
 24 Q. I'm going to hand you copies of what I am
 25 going to mark as [REDACTED] Exhibit 2 and [REDACTED]

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1 [REDACTED] - Highly Confidential
 2 Exhibit 3.
 3 (Thereupon, two documents were marked by
 4 the shorthand reporter as [REDACTED] Exhibit 2
 5 and [REDACTED] Exhibit 3 for identification.)
 6 MR. LUFT: Exhibit 2 will be a transcript
 7 of telephonic 341 meeting of creditors, March
 8 21, 2022 In Re: Ho Wan Kwok.
 9 At the same time, I will also ask to mark
 10 a copy of Exhibit 3, which is a transcript of
 11 continued 341 Meeting of Creditors, April 6,
 12 2022 In Re: Ho Wan Kwok.
 13 MR. HENZY: Thank you.
 14 BY MR. LUFT:
 15 Q. [REDACTED] do you have what has been
 16 marked as [REDACTED] Exhibit 2 and [REDACTED] Exhibit 3 in
 17 front of you?
 18 A. Yes.
 19 Q. Have you ever seen either of these documents
 20 before?
 21 A. No.
 22 Q. Have you ever seen portions of these
 23 documents before?
 24 A. I have seen a portion of a transcript before.
 25 Q. Do you know if it's one of these two

1 [REDACTED] - Highly Confidential
 2 transcripts?
 3 A. I don't know.
 4 Q. Okay. Do you want to take a second to look
 5 through the documents and see if you've seen any portion
 6 of these documents before?
 7 MR. HENZY: Do you want to point [REDACTED] to
 8 the portion that you're probably --
 9 MR. LUFT: What I'm interested in is if
 10 [REDACTED] seen -- look, if you want to --
 11 I'm trying to give your witness the
 12 opportunity to look at it. If you don't want
 13 [REDACTED] to, she doesn't have to.
 14 MR. HENZY: [REDACTED]...
 15 (Pause.)
 16 THE WITNESS: Right. I think it's the --
 17 I have seen a portion of the transcript
 18 of the April 6th meeting.
 19 BY MR. LUFT:
 20 Q. Okay, and what portion of that have you seen?
 21 (Pause.)
 22 THE WITNESS: Sixty-one. Page 61. Let
 23 me see.
 24 (Pause.)
 25 THE WITNESS: Page 60, 61.

	Page 106		Page 107
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	(Pause.)	2	Q. From the few pages that Ms. Francis shared
3	THE WITNESS: Sixty-two. I think it's	3	with you --
4	about that.	4	A. Right.
5	BY MR. LUFT:	5	Q. -- what else do you have a clear recollection
6	Q. Okay, so page 60 through 62 are the only	6	of from the 341 hearing?
7	pages of the transcript that you've seen before? Pages	7	A. I don't have any specific recollection of the
8	60 to 62 --	8	341 meeting except there were a lot of chaotic moments
9	A. I think so.	9	and my dis- -- dissatisfaction of the situation caused
10	Q. And those are the portions Ms. Francis shared	10	by the interpreting, but --
11	with you?	11	There is a general recollection of what -- what --
12	A. Yes.	12	what that day -- of that day, but I don't have any other
13	Q. Other than the -- those portions of the	13	specific recollection.
14	transcript --	14	Q. Okay. Let's look at Exhibit 2. I will ask
15	A. Uh-huh.	15	you to first turn to page 31 and 32.
16	Q. -- can you tell me what else where your	16	A. 31 and 32?
17	memory's been refreshed, what else you recall about the	17	Q. And I'll direct you specifically to the
18	questioning from the 341 hearings?	18	bottom of page 31 that carries over to 32.
19	MR. HENZY: Objection, vague and	19	Do you see, on the bottom, it says "Mr. Baldiga:
20	ambiguous.	20	Our interpreter believes that the response was that if
21	THE WITNESS: So you're asking me apart	21	he had a role at Golden Spring" -- do you see that?
22	from the --	22	A. Uh-huh, yes.
23	BY MR. LUFT:	23	Q. Are you the interpreter Mr. Baldiga is
24	Q. Apart --	24	referring to there?
25	A. -- from the transcript?	25	A. I believe so.
	Page 108		Page 109
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	Q. Would this have been an instance where you	2	page 45.
3	passed Mr. Baldiga a note and that's how he knew you had	3	Do you see in the middle of the page, line 16,
4	an issue?	4	Mr. Baldiga says, "There's a translation issue"?
5	(Pause.)	5	A. Page 35?
6	THE WITNESS: Probably.	6	Q. Page 45.
7	BY MR. LUFT:	7	A. Oh.
8	Q. Okay. If I turn to page 33, turn to line 12,	8	Q. Line 16.
9	Mr. Baldiga says, "Hold on. There's a mistranslation	9	(Pause.)
10	there."	10	THE WITNESS: Yes.
11	Do you think that's another instance of you passing	11	BY MR. LUFT:
12	Mr. Baldiga a note?	12	Q. And again, do you believe that's one of the
13	(Several people enter the conference	13	instances where you passed Mr. Baldiga a note to express
14	room.)	14	your concern about the translation?
15	MR. BASSETT: Let's go off the record.	15	A. Yes.
16	MR. HENZY: Sorry about that.	16	Q. Okay. Page 54. If you look at line 7,
17	THE VIDEOGRAPHER: The time is 11:15 a.m.	17	Mr. Baldiga -- this is Bill Baldiga.
18	We're going off the record.	18	"I'm sorry. I think there was a translation
19	(Recess taken at 11:15 a.m.)	19	issue." He goes on.
20	(Resumed at 12:03 p.m.)	20	Is this another instance where you would have
21	THE VIDEOGRAPHER: The time is 12:03 p.m.	21	passed Mr. Baldiga a note where you had a concern that
22	We're back on the record.	22	there was a translation issue?
23	BY MR. LUFT:	23	A. Yes.
24	Q. ██████████ I believe the last one I	24	Q. And to be clear, I don't mean to imply that
25	showed you was on page 33. I will ask you to turn to	25	I'm being comprehensive here with regard to all of

<p style="text-align: right;">Page 110</p> <p>1 [REDACTED] - Highly Confidential 2 these. I'm just citing examples to understand. 3 A. Uh-huh. 4 Q. Turn to page 59. 5 (Pause.) 6 BY MR. LUFT: 7 Q. Do you see, line 7, "Mr. Baldiga: We have a 8 translation issue. Hold on one second. I think our 9 interpreter is hearing this translation." 10 Do you see that? 11 A. Yes. 12 Q. You are the interpreter he's referring to? 13 A. Yes. 14 Q. And you would have passed Mr. Baldiga a note? 15 A. Yes. 16 Q. And this deposition was -- this -- sorry. 17 This hearing was conducted remotely? 18 A. Oh, it was? 19 Q. I'm asking. 20 A. I don't. 21 Q. Do you recall? 22 A. I don't remember. 23 Q. Okay. When I look through this day's 24 transcript -- 25 A. Uh-huh.</p>	<p style="text-align: right;">Page 111</p> <p>1 [REDACTED] - Highly Confidential 2 Q. -- I did not -- I didn't find any -- that's 3 not to say there is not -- there may not be one, but 4 I -- I welcome you to look. I did not see any 5 references to private interpreter speaking or someone 6 with your name speaking. 7 Does that comport with your recollection that at 8 the first 341 hearing, Mr. Baldiga was making the 9 objections and you were not speaking? 10 (Pause.) 11 THE WITNESS: I have no recollection of 12 what happened -- 13 BY MR. LUFT: 14 Q. Okay. 15 A. -- and I assume when he said the 16 interpreter's -- you know, raising issue, and since I 17 did not speak, I assume that I was handing him the note, 18 but -- 19 That is my assumption -- 20 Q. Okay. 21 A. -- but I have no recollection one way or the 22 other what happened. 23 Q. Can I take you -- ask you to take a moment -- 24 A. Right. 25 Q. -- and look at Exhibit 2 and see if you can</p>
<p style="text-align: right;">Page 112</p> <p>1 [REDACTED] - Highly Confidential 2 find any reference to you actually speaking on the 3 record as opposed to Mr. Baldiga just making objections 4 at your suggestion? 5 (Pause.) 6 THE WITNESS: Counsel, you're asking me 7 to look through the document to see whether 8 there was any part of it that where it 9 mentions "private interpreter"? Is that what 10 your question is? 11 BY MR. LUFT: 12 Q. Correct. When I looked through this 13 document, I didn't see any reference to you. I could 14 have missed one. 15 I'm asking for you -- not that you have to look 16 line listened by line -- 17 A. Uh-huh. 18 Q. -- but if you could just give a quick 19 once-over and see if it -- if you see any reference to 20 statements by yourself in the transcript from March 21 21st. 22 A. Right. I flipped through it briefly, and I 23 don't see myself mentioned. 24 Q. Okay, so based on that and your -- do you 25 think -- does this comport with your recollection that</p>	<p style="text-align: right;">Page 113</p> <p>1 [REDACTED] - Highly Confidential 2 there was a portion of the transcript of the 341 3 hearing, excuse me, where you were passing Mr. Baldiga 4 notes -- 5 A. Probably. 6 Q. -- in connection as opposed to when you made 7 a decision to start making -- speaking verbally 8 yourself? 9 A. Probably, but ... the thing is that it -- 10 it -- 11 It's quite puzzling to me because it's quite unlike 12 me that I would not raise any oral issue, just handing 13 him notes without -- you know, ever at one minute raise 14 a dispute. 15 It could be that I was just not recorded. I don't 16 know. Sometimes it was a decision made by court 17 reporting. 18 Q. So you believe you may have spoken but the 19 court reporter just didn't take down what you said on 20 the record? 21 A. Sometimes decisions were made that since the 22 private interpreter is not an official interpreter, so 23 the dispute raised was not recorded. 24 Sometimes like that. It could be like that. I 25 don't know. I don't see myself there (indicating). It</p>

	Page 114		Page 115
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	could be that I just hand him notes.	2	BY MR. LUFT:
3	But I just find that sometimes that if I handed him	3	Q. Do you see, in the middle of the page and on
4	so many notes, it would be quite unlike me that I did	4	next page, there are multiple references to "the private
5	not raise any verbal dispute -- oral dispute, yeah.	5	interpreter"?
6	Q. Do you see on the front cover of this	6	A. Yes.
7	document, it says "Transcript prepared by Christine	7	Q. Is that you?
8	Fiori"?	8	MR. HENZY: Sorry. You're --
9	A. Uh-huh.	9	MR. LUFT: Six and seven, Eric, middle of
10	THE SHORTHAND REPORTER: "Yes" or "no"?	10	the page and then the next page.
11	THE WITNESS: Yes.	11	MR. BASSETT: Exhibit 3. It might be 2.
12	BY MR. LUFT:	12	MR. HENZY: Oh, I'm on Exhibit 2. Sorry.
13	Q. Let's take a look at Exhibit 3, which is the	13	THE WITNESS: Yes.
14	April 6th hearing.	14	BY MR. LUFT:
15	Do you see on the front cover of this transcript it	15	Q. Okay. Are you the private interpreter that
16	was also prepared by Christine Fiori?	16	is being referenced?
17	A. Right.	17	A. Yes.
18	Q. You see that?	18	Q. So these --
19	A. Yes.	19	Where it says "the private interpreter," those are
20	Q. Same person, correct?	20	your statements, correct?
21	A. Yes.	21	A. Yes.
22	Q. Okay. Now, if we turn to page 10 of this	22	Q. Okay, and if I turn to page 10, do you see
23	transcript -- or let's first go to page 6.	23	there is a back and forth with regard to a translation
24	(Pause.)	24	between you and the official interpreter?
25		25	A. Yes.
	Page 116		Page 117
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	Q. And Ms. Claiborne asks you to stop	2	A. Yes.
3	interrupting?	3	Q. And you want to correct it?
4	A. Yes.	4	A. Yes.
5	Q. And you agree, correct?	5	Q. Another example, page 39. Do you see page
6	A. Yes.	6	39, line 15?
7	Q. Then if you go to page 16 -- to page 13,	7	A. Are.
8	again, at the top of the page, you raise an objection	8	Q. Line 11, the question was "Do you have
9	with regard to the interpreter?	9	authority to enter into financial transactions on behalf
10	A. Yes.	10	of Golden Spring New York?"
11	Q. And then, if we go to page 16, you have	11	And you raise an issue, saying, "No, no. That's
12	another lengthy objection?	12	not the question," correct?
13	A. Yes.	13	A. It appears so.
14	Q. So clearly, on this day the court reporter	14	Q. So where you thought that there was a problem
15	was taking down your statements, correct?	15	with the question, you let the court reporter know that
16	A. Yes.	16	it had -- and the translator that it had been
17	Q. And to the extent you had objections, you	17	mistranslated, correct?
18	were saying them on the record, correct?	18	A. I believe so.
19	A. Yes.	19	Q. And if you turn to page 62 --
20	Q. Okay, and if we go to pages 21 through 22,	20	A. Did you say 52 or 62?
21	same thing? You're making objections on the record?	21	Q. Sixty-two, ██████████
22	A. Yes.	22	We see, again, when you had an issue with a
23	Q. And the reason you're making these objections	23	question, you raised it on the record and it's recorded
24	is because you think there's been a mistake made in the	24	as "the private interpreter," correct?
25	translation, correct?	25	A. Based on what it appear [sic] here, yes.

1 [REDACTED] - Highly Confidential Page 118
 2 Q. If I turn to page 60, there is no reference
 3 to any statements by you taking the issue -- with taking
 4 issue with any translations, correct?
 5 A. Uh-huh. That's correct, here. This is the
 6 part that is the chaos.
 7 Q. But there is no reference to you saying
 8 anything, correct?
 9 (Pause.)
 10 THE WITNESS: Not on this transcript.
 11 record.
 12 BY MR. LUFT:
 13 Q. And if I turn to page 61, again, no reference
 14 to you raising any objection to any translation issues,
 15 correct?
 16 A. Not on the record here on this transcript.
 17 Q. And as we talked about on page 62, when you
 18 had an objection, it was recorded on the record,
 19 correct?
 20 A. On this record of this page, yes.
 21 (Pause.)
 22 THE WITNESS: I think that is why
 23 sometimes --
 24 MR. HENZY: There's no question.
 25 THE WITNESS: Okay.

1 [REDACTED] - Highly Confidential Page 120
 2 Q. So to the extent I look at the document you
 3 created for Ms. Francis and there is no reference to you
 4 making an objection with regard to the translation, it's
 5 safe to say that when you listened to the audio, you did
 6 not hear yourself make any such objection, correct?
 7 A. Correct.
 8 Q. Okay. If I look at page 60 of --
 9 A. I may have handed a note, though.
 10 Q. So on this page, you may have reversed course
 11 and all of a sudden started handing Mr. Baldiga a note
 12 in the middle of this?
 13 MR. HENZY: Objection to the form of the
 14 question. It's argumentative.
 15 THE WITNESS: Probably.
 16 BY MR. LUFT:
 17 Q. You recall handing Mr. Baldiga a note?
 18 A. I actually recall that I handed in notes to
 19 Mr. Baldiga around that time. I don't know exactly
 20 which line. Yes, I do.
 21 Q. Okay. Can you look at page 60?
 22 A. Yes.
 23 Q. Mr. Baldiga make any objection here with
 24 regard to the translation?
 25 A. No.

1 [REDACTED] - Highly Confidential Page 119
 2 (Pause.)
 3 BY MR. LUFT:
 4 Q. When you were doing your translation for
 5 Ms. Francis --
 6 A. Uh-huh.
 7 Q. -- if you heard on the audio recording things
 8 that were said that were not included in the record,
 9 would you have included them?
 10 A. Yes.
 11 Q. So to the extent on your translation there is
 12 no reference to any objection coming from you, that's
 13 based on your listening to the audio and finding in fact
 14 you made no objection, correct?
 15 A. Can you repeat that question?
 16 Q. Sure. If I was to look at the document you
 17 produced for Ms. Francis --
 18 A. Yes.
 19 Q. Let me be clear.
 20 A. Yes.
 21 Q. To the extent you heard something on the
 22 audio that was not accurately recorded on the
 23 transcript, you would have included it in the document
 24 you created for Ms. Francis, correct?
 25 A. Yes.

1 [REDACTED] - Highly Confidential Page 121
 2 Q. Would you look at page 61? Mr. Baldiga make
 3 any objection with regard to the translation at your
 4 behest?
 5 A. Not in here.
 6 Q. Did he make any objection to the translation
 7 at all?
 8 A. Not that appears here.
 9 Q. Okay. In your translation that you did for
 10 Ms. Francis, if there is no reference to Mr. Baldiga
 11 making an objection --
 12 A. Uh-huh.
 13 Q. -- is it safe to say that when you listened
 14 to the audio, you did not hear Mr. Baldiga make any
 15 objection?
 16 A. If I did not recall that, that's correct,
 17 then he did not make any.
 18 (Pause.)
 19 BY MR. LUFT:
 20 Q. If I could ask you to pull back Exhibit 1 --
 21 [REDACTED] Exhibit 1 -- which is the debtor's objection,
 22 turn again to page 11 and go back to that first
 23 sentence.
 24 "At any hearing on the motion, the debtor will put
 25 on testimony from an interpreter as to the many material

<p style="text-align: right;">Page 122</p> <p>1 [REDACTED] - Highly Confidential</p> <p>2 deficiencies in the official translation of the 341</p> <p>3 meeting."</p> <p>4 Do you see that?</p> <p>5 A. Uh-huh, yes.</p> <p>6 Q. Okay. I believe you've testified that other</p> <p>7 than the portion of the transcript that Ms. Francis sent</p> <p>8 you, you have not looked at the reference the 341</p> <p>9 hearing; is that correct?</p> <p>10 A. That's correct.</p> <p>11 Q. I believe you testified with the exception of</p> <p>12 the transcript that Ms. Francis sent you where she</p> <p>13 refreshed your recollection, you have no specific</p> <p>14 recollection of any specific mistakes made in the</p> <p>15 translation from the 341 hearing, correct?</p> <p>16 A. Not specific --</p> <p>17 Not specifically, but I remember there were</p> <p>18 mistakes made.</p> <p>19 Q. But you don't recall what they were?</p> <p>20 A. That's correct.</p> <p>21 Q. So other than those pages that Ms. Francis</p> <p>22 sent you, which is 60 to 62, you have no recollection,</p> <p>23 sitting here today, of any specific material deficiency</p> <p>24 in the official translation of the 341 meeting?</p> <p>25 A. Not specifically.</p>	<p style="text-align: right;">Page 123</p> <p>1 [REDACTED] - Highly Confidential</p> <p>2 Q. And if we look at pages 60 and 61 of the 341</p> <p>3 hearing, you made no objection to any material</p> <p>4 deficiency in the translation, correct?</p> <p>5 A. Can you say that again?</p> <p>6 Q. Sure.</p> <p>7 If you turn to Exhibit 3 and look at pages 60 and</p> <p>8 61 --</p> <p>9 A. Page 60 to 61?</p> <p>10 (Pause.)</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. LUFT:</p> <p>13 Q. There is no record of you making any</p> <p>14 statement or objection to any purported material</p> <p>15 deficiency in the translation on page 60 or 61, correct?</p> <p>16 A. Not purportedly.</p> <p>17 Q. All right.</p> <p>18 There's no reference to you making any such</p> <p>19 objection at all, correct?</p> <p>20 A. Not on this record.</p> <p>21 Q. And if I looked at your transcript and there</p> <p>22 is no reference to you making such an objection, that</p> <p>23 means -- when I say, "your transcript," I mean the one</p> <p>24 you prepared for Ms. Francis.</p> <p>25 If there is no reference to you making any such</p>
<p style="text-align: right;">Page 124</p> <p>1 [REDACTED] - Highly Confidential</p> <p>2 objections on pages 60 and 61, then based on your</p> <p>3 re-listening to the hearing, you did not hear yourself</p> <p>4 make any objection to any alleged material deficiency --</p> <p>5 A. Not --</p> <p>6 Q. -- in the transcript?</p> <p>7 A. -- verbally.</p> <p>8 Q. When you say, "not verbally" --</p> <p>9 A. Right.</p> <p>10 Q. -- what do you mean?</p> <p>11 A. I am listening to the audio of that</p> <p>12 transcript.</p> <p>13 I don't hear myself, so I could not transcribe</p> <p>14 what -- motions or actions -- you know, so no, I did not</p> <p>15 record any oral objection that I raised, because I did</p> <p>16 not make any oral objection or disputes.</p> <p>17 Q. Okay, and if there is no reference to</p> <p>18 Mr. Baldiga making any objection to any translation for</p> <p>19 any reason, including because you've told him to do so</p> <p>20 as we saw him do multiple times previously --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- then you did not hear any objection by Mr.</p> <p>23 Baldiga with regard to any of the testimony on pages 60</p> <p>24 or 61?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">Page 125</p> <p>1 [REDACTED] - Highly Confidential</p> <p>2 Q. Okay.</p> <p>3 (Pause.)</p> <p>4 BY MR. LUFT:</p> <p>5 Q. Now, if we look back at Exhibit 1, on the</p> <p>6 line that follows on page 11 --</p> <p>7 MR. LUFT: Actually, strike that.</p> <p>8 (Pause.)</p> <p>9 BY MR. LUFT:</p> <p>10 Q. Can you look at Exhibit 3?</p> <p>11 Other than pages 60 and 61 and 62, sitting here</p> <p>12 today, can you tell me of any other material deficiency</p> <p>13 in the translation that you're aware of other than in an</p> <p>14 instance where you made an objection on the record or</p> <p>15 asked Mr. Baldiga to do so?</p> <p>16 A. As I'm sitting here today, I have not looked</p> <p>17 through any pages except page 60 to 62.</p> <p>18 I cannot say specifically what material mistake</p> <p>19 that was -- that were recorded or that were made.</p> <p>20 Q. Okay.</p> <p>21 (Pause.)</p> <p>22 BY MR. LUFT:</p> <p>23 Q. Can I ask you to turn to Exhibit 2?</p> <p>24 (Pause.)</p> <p>25</p>

		Page 126	Page 127
1		████████ - Highly Confidential	████████ - Highly Confidential
2	BY MR. LUFT:		
3	Q. First, turn to page 12.		
4	Do you see on line 8, it says "Other names I		
5	believe I heard earlier are █████ who is an		
6	interpreter.		
7	Do you believe that is a reference to you?		
8	A. Yes. Can -- am I looking at the same page?		
9	MR. HENZY: Go ahead, Avi. Go ahead.		
10	Page 12?		
11	BY MR. LUFT:		
12	Q. It's Exhibit 2.		
13	MR. HENZY: Exhibit 2.		
14	BY MR. LUFT:		
15	Q. Page 12, line 8 through 10.		
16	A. Right. Yes.		
17	Q. Great. Okay. Can you turn to page 49? Do		
18	you see, starting at line 5, it says:		
19	"Mr. Kwok, who are the owners of Golden Spring?		
20	"Answer: My son.		
21	"Are there any owners of Golden Spring other than		
22	your son?		
23	"No.		
24	"Mr. Kwok, have you ever owned an interest in		
25	Golden Spring?		

		Page 128	Page 129
1		████████ - Highly Confidential	████████ - Highly Confidential
2	Mr. Baldiga was -- some -- saying		
3	something on line 16, right?		
4	BY MR. LUFT:		
5	Q. Right. He's talking about some type of		
6	physical security concerns --		
7	A. Oh.		
8	Q. -- right?		
9	A. Right.		
10	Q. It's not any objection to the translation --		
11	A. Okay.		
12	Q. -- correct?		
13	A. Okay.		
14	Q. Do you agree with me?		
15	A. Agreed.		
16	Q. Okay, so you have no reason to believe that		
17	the translator did not translate the portion I read to		
18	you perfectly, correct?		
19	A. Correct.		
20	Q. Okay.		
21	(Pause.)		
22	BY MR. LUFT:		
23	Q. Now, if I go back to Exhibit 1 --		
24	I'm going to ask you to keep out Exhibit 3 and		
25	Exhibit 1. You can put Exhibit 2 to the side for now,		

		Page 130	Page 131
1	████████ - Highly Confidential		
2	debtor. "Are there any other owners of Ace Decade,"	1	████████ - Highly Confidential
3	correct? That was correctly translated?	2	Q. When you say, "purportedly," what do you
4	(Pause.)	3	mean?
5	BY MR. LUFT:	4	A. Because it's written in here (indicating).
6	Q. If you want, I can turn you to Exhibit 3, if	5	Q. Okay, but when you did your analysis --
7	it's helpful. This is coming from page 61, I believe.	6	A. Right.
8	A. Say that again. What page, again?	7	Q. -- you also thought that that's what --
9	Q. I believe this is page 61.	8	A. Okay. If that appears on -- on mine, yes.
10	A. Sixty-one.	9	Q. Well, do you recall? Do you have a --
11	Q. I believe we're looking at -- lines 6 and 7,	10	(Thereupon, an informal discussion was
12	I believe, is what the debtor's counsel was quoting.	11	held off the record with the shorthand
13	(Pause.)	12	reporter.)
14	BY MR. LUFT:	13	BY MR. LUFT:
15	Q. Sorry. Not six and seven.	14	Q. Sitting here today, do you recall if that
16	No, that's correct. Six and seven, I believe is	15	line was correctly translated?
17	what's being referenced in that paragraph.	16	A. I don't recall when I'm sitting here that
18	A. Sixty-one?	17	that line was correctly translated.
19	Q. Do you see line 6, "Are there any other	18	Q. Sitting here today, do you have a
20	owners of Ace Decade?	19	recollection of the translation you did with regard to
21	"Answer: No."	20	page 60 and 61?
22	Do you see that?	21	A. No.
23	A. I see that.	22	Q. So if I was to look over pages 60 and 61,
24	Q. And that was correctly translated, right?	23	sitting here today, looking at the transcript, you could
25	A. Purportedly, yes.	24	not tell me which lines were correctly translated in
		25	your opinion and which lines were not?
		Page 132	Page 133
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	A. No.	2	A. Sitting here today, I -- I am unable to say
3	Q. Okay.	3	whether it was properly translated.
4	(Pause.)	4	Q. So you cannot tell me if you are offering any
5	BY MR. LUFT:	5	expert opinion with regard to whether that line was
6	Q. The next line on Exhibit 1 says "The debtor's	6	properly translated?
7	interpreter will testify, however, that the proper	7	MR. HENZY: Objection. That's -- that
8	interpretation of the debtor's response to U.S.	8	was not █████ testimony.
9	trustee's question 'Are you the only legal owner of Ace	9	BY MR. LUFT:
10	Decade?' was 'I am legally representing the owner.'	10	Q. That's my question to you.
11	████████ did you tell counsel for the debtor	11	A. Without any material help me, I cannot just
12	that that is what you were going to testify to the	12	rely on my recollection to tell you that that was
13	court?	13	properly translated or not.
14	A. I did not tell that to anyone. No one asked	14	Q. Okay. I have provide you the transcript,
15	me that question.	15	correct?
16	Q. Okay.	16	A. This is a transcript, yes (indicating). You
17	(Pause.)	17	have provided me with this transcript, yes, appeared
18	BY MR. LUFT:	18	before me.
19	Q. Now, I believe that is a reference to lines 3	19	Q. I'm asking:
20	through 5 of page 61. Do you see that?	20	Sitting here today, can you tell me if you're
21	A. Yes.	21	planning to offer any opinion with regard to whether the
22	Q. It says "Are you the only legal owner of Ace	22	question "Are you the only legal owner of Ace Decade?"
23	Decade?"	23	was properly translated into Chinese at the time by the
24	Sitting here today, do you recall if that question	24	official interpreter?
25	was properly translated into Chinese?	25	MR. HENZY: Objection, argumentative.

	Page 134		Page 135
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	THE WITNESS: I cannot offer an expert	2	A. Did I say not with or not without? Not
3	opinion or professional opinion whether this	3	without, I should say.
4	was properly translated (indicating) just	4	MR. HENZY: I think you said not without.
5	based on this transcript before me, without	5	MR. LUFT: That's what I heard.
6	any other audio file or to -- to -- to help.	6	MR. HENZY: That's what I heard, too.
7	BY MR. LUFT:	7	MR. LUFT: I'm not following along with
8	Q. Okay, and if I look at next line, the answer	8	the realtime. Okay.
9	"I am a legal representing owner," sitting here today,	9	(Pause.)
10	can you tell -- tell me if you're offering any expert	10	BY MR. LUFT:
11	opinion with regard to whether that sentence was	11	Q. Sitting here today, can you tell me, if I was
12	properly translated into -- by the official interpreter?	12	to look at lines 3 through 10, what you believe in your
13	MR. HENZY: Objection. Vague, ambiguous.	13	opinion the proper translation of those lines should
14	THE WITNESS: No, I cannot, without any	14	have been?
15	audio file to assist.	15	A. No, I can't.
16	BY MR. LUFT:	16	Q. Okay.
17	Q. So sitting here today, you cannot tell me if	17	(Pause.)
18	you plan to offer any expert opinion with regard to	18	BY MR. LUFT:
19	lines 3 through 5 of page 61 of the April 6th 341	19	Q. If I ask you to look at page 60, line 16, do
20	transcript?	20	you see it says:
21	A. Not without the audio file to cross-reference	21	"Question: Mr. Kwok, do you own any interest in a
22	with this transcript.	22	company called Ace Decade Holdings Limited?
23	(Pause.)	23	"Answer: Yes."
24	BY MR. LUFT:	24	Do you see that?
25	Q. Okay.	25	A. I see that.
	Page 136		Page 137
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	Q. And there's no objection from you to that	2	Q. And sitting here today, to your knowledge,
3	question?	3	you cannot tell me if you know that there is anything
4	A. Not appear to be.	4	wrong with the question and answer at line 16 through 18
5	Q. No objection from Mr. Baldiga, correct?	5	on page 60?
6	A. Not appeared to be, yes.	6	A. I'm unable -- I am unable to tell you whether
7	Q. Sitting here today, can you tell me if you	7	there is anything wrong with it.
8	plan to offer any expert opinion as to whether that	8	Q. And same thing with regard to lines 3 through
9	question and answer on page 60 of the transcript that is	9	10 on page 61?
10	Exhibit 3 was correctly translated?	10	A. Same thing happen with those lines.
11	(Pause.)	11	MR. LUFT: Okay. Let's take a break real
12	THE WITNESS: I can't without the audio	12	quick and see where we are.
13	file.	13	THE VIDEOGRAPHER: The time is 12:39 p.m.
14	(Pause.)	14	We're going off the record.
15	BY MR. LUFT:	15	(Recess taken at 12:39 p.m.)
16	Q. Okay. When was the last time you listened to	16	(Resumed at 12:48 p.m.)
17	the audio file?	17	THE VIDEOGRAPHER: The time is 12:48 p.m.
18	A. That portion of the audio file that was given	18	We're back on the record.
19	to me by Ms. Francis --	19	MR. LUFT: Okay.
20	The last time I listened to it was the date I	20	████████ I am going to renew my
21	worked on it and ... it would be the day or several days	21	request for the emails you described between
22	before I sent it back to her.	22	yourself and Ms. Francis and any other counsel
23	Q. Did anyone play that audio file for you in	23	representative of Mr. Kwok.
24	preparation for this deposition?	24	And I'm going to reserve right to ask you
25	A. No.	25	additional questions if I'm provided those

	Page 138		Page 139
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	documents, which I should be, but other than	2	MR. LUFT: Objection, foundation.
3	that, I have no further questions for you at	3	BY MR. HENZY:
4	this time.	4	Q. Okay, but -- you can answer, but --
5	THE WITNESS: You are asking me --	5	A. I don't know.
6	MR. HENZY: You don't need to answer.	6	Q. Okay. Okay. Did --
7	THE WITNESS: Okay. I just have a couple	7	Do you know whether she ever was, in fact, an
8	questions.	8	employee of Mr. Kwok?
9	MR. LUFT: Okay.	9	MR. LUFT: Objection, leading.
10		10	THE WITNESS: I don't. I only assume.
11	CROSS-EXAMINATION	11	MR. HENZY: Okay. I -- okay. That's ...
12	BY MR. HENZY:	12	(Pause.)
13		13	BY MR. HENZY:
14	Q. Mr. Luft asked you some questions about	14	Q. Just -- can you look at Exhibit 2 and Exhibit
15	whether Yvette Wang was an employee of Mr. Kwok. When	15	3?
16	was the last time Yvette Wang called you about a job?	16	(Pause.)
17	A. It's a long, long time ago. I --	17	BY MR. HENZY:
18	Q. More than two years ago?	18	Q. On Exhibit 2, on the very first page, if you
19	A. Probably.	19	go to the -- where it says -- do you see where it says
20	Q. Okay. More than three years ago?	20	"Transcript of Telephonic 341 Meeting of Creditors"?
21	A. I cannot be certain.	21	A. Yes, I see it.
22	Q. Okay, but -- but -- okay.	22	Q. Okay. Do you see where it says "Telephonic"?
23	Do you have any knowledge of whether or not	23	A. Yes.
24	Ms. Wang is an employee of Mr. Kwok today?	24	Q. Okay. Then, go to Exhibit 3.
25	A. I don't know.	25	A. Uh-huh.
	Page 140		Page 141
1	████████ - Highly Confidential	1	████████ - Highly Confidential
2	Q. It says "Transcript of Continued 341 Meeting	2	job, then you assume she's the staff of that office,
3	of Creditors"?	3	right?
4	A. Yes.	4	Q. That office is Golden Spring?
5	Q. That's for April 6th, right?	5	A. At the time, I believe so.
6	A. Yes.	6	Q. And Mr. Kwok's the head of Golden Spring, so
7	Q. It doesn't say "telephonic" there, correct?	7	it makes sense, right?
8	A. Correct.	8	A. I don't know.
9	MR. LUFT: Leading.	9	Q. But you said she works for Mr. Kwok. Is the
10	MR. HENZY: Okay. I don't have anything	10	job for him?
11	further.	11	A. Because that conference was a conference
12	MR. LUFT: Okay.	12	of -- of a subject that is Mr. Kwok's. It -- it --
13		13	that -- the conference is about anti-Chinese Communist
14	REDIRECT EXAMINATION	14	Party, so that is Mr. Kwok's subject.
15	BY MR. LUFT:	15	And then I was engaged to be his interpreter, so I
16		16	assumed she was from his office, and I don't know
17	Q. Ms. Wang, why did you assume -- sorry.	17	anything other than that.
18	████████ why did you assume Ms. Wang is an	18	Q. At the conference, who else did you meet from
19	employee of Mr. Kwok?	19	Mr. Kwok's office?
20	A. She called me for -- to be -- to do the	20	A. But that conference did not take place.
21	interpreting for the event, so --	21	Q. At any of the other conferences you worked,
22	Q. Why -- why did that lead you to believe that	22	who else from Mr. Kwok's office did you meet?
23	she worked for Mr. Kwok?	23	A. I don't meet with anyone.
24	A. Well, she's in that office, I assume. So	24	Q. You've never met anyone else --
25	she's calling for -- well, when someone calls you for a	25	A. Not --

1 [REDACTED] - Highly Confidential Page 142
 2 Q. -- from Mr. Kwok's office?
 3 A. -- not -- I --
 4 I met with some other people, but I don't know
 5 whether they are from his office. I went to conference.
 6 I went to my booth. I sat down. I did my job.
 7 Q. Who sent you the checks from Golden Spring
 8 when you worked for these conferences?
 9 A. You know, I actually did not look at the
 10 signature.
 11 Q. And when you had a job -- needed a job, it
 12 was always Ms. Wang who would contact you?
 13 A. At the beginning, for the conferences.
 14 Q. So if it was a legal matter, Ms. Francis --
 15 A. Uh-huh.
 16 Q. -- the general counsel of Golden Spring,
 17 would contact you --
 18 A. Yes.
 19 Q. -- to act on -- to act on behalf of Mr. Kwok?
 20 A. To be the interpreter for the -- for the
 21 deposition or for the court hearing.
 22 Q. For -- for Mr. Kwok?
 23 A. For Mr. Kwok, yes.
 24 Q. And if it was nonlegal work, then Ms. Wang
 25 was the one who would make the request on behalf

1 [REDACTED] - Highly Confidential Page 143
 2 Mr. Kwok, correct?
 3 A. At the time, yes.
 4 MR. LUFT: Okay. I have no further
 5 questions.
 6 THE VIDEOGRAPHER: This concludes today's
 7 deposition of [REDACTED]
 8 The time is 12:53 p.m. We're off the
 9 record.
 10 (Thereupon, the deposition concluded at
 11 12:53 p.m.)
 12 (The exhibits were retained by the
 13 shorthand reporter to be attached to the
 14 transcript.)
 15 *** *** ***

1 [REDACTED] - Highly Confidential Page 144
 2 ACKNOWLEDGMENT OF DEPONENT
 3 I, [REDACTED] do hereby certify that
 4 the foregoing testimony given by me on
 5 November 11, 2022 is true and accurate,
 6 including any corrections noted on the
 7 corrections page, to the best of my knowledge
 8 and belief.
 11
 12 [REDACTED]
 13
 14 At _____ in said County
 15 of _____, this _____ day
 16 of _____, 2022, personally
 17 appeared [REDACTED] and made an oath to the
 18 truth of the foregoing corrections by her subscribed.
 19
 20 Before me, _____, Notary
 21 Public. My commission expires _____.
 22
 23
 24
 25

1 [REDACTED] - Highly Confidential Page 145
 2 C E R T I F I C A T E
 3 I, CHERYLL KERR, CSR, a Certified Shorthand
 4 Reporter and Notary Public, do hereby certify
 5 that the witness whose deposition is hereinbefore
 6 set forth was duly sworn by me, and that such
 7 deposition is a true record of the testimony given
 8 by such witness.
 9 I further certify that I am not related to
 10 any of the parties to this action by blood or
 11 marriage; and that I am in no way interested in
 12 the outcome of this matter.
 13 IN WITNESS WHEREOF, I have hereunto set my
 14 hand this 12th day of November, 2022.
 15
 16 [REDACTED] *Cheryll Kerr*
 17 CHERYLL KERR, CSR
 18
 19
 20
 21
 22
 23
 24
 25

1	[REDACTED]	- Highly Confidential	Page 146		
2	ERRATA SHEET FOR THE TRANSCRIPT OF:				
3	Case Name: In Re: Ho Wan Kwok				
4	Dep. Date: November 11, 2022				
5	Deponent: [REDACTED]				
6	Reason codes:				
7	1. To clarify the record.				
8	2. To conform to the facts.				
9	3. To correct transcription errors.				
10	Pg.	Ln.	Now Reads	Should Read	Reason
11	_____	_____	_____	_____	_____
12	_____	_____	_____	_____	_____
13	_____	_____	_____	_____	_____
14	_____	_____	_____	_____	_____
15	_____	_____	_____	_____	_____
16	_____	_____	_____	_____	_____
17	_____	_____	_____	_____	_____
18	_____	_____	_____	_____	_____
19	_____	_____	_____	_____	_____
20	Signature of Deponent				
21	SUBSCRIBED AND SWORN BEFORE ME				
22	THIS _____ DAY OF _____, _____.				
23	(Notary Public) My Commission Expires: _____				
24	_____				
25	_____				

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